15 February, 1921

THE

LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

FIRST SESSION

OF THE

LEGISLATIVE ASSEMBLY, 1921

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LEGISLATIVE ASSEMBLY.

Tuesday, 15th February, 1921.

The Assembly met in the Assembly Chamber at Eleven of the Clock. The Honourable the President in the Chair.

The Honourable the President: Members desiring to take their seats, will please advance to the table to take the Oath or Affirmation in the manner prescribed.

There was no Member present to take the Oath.

The Honourable the President: The next item on the List of Business is the asking and answering of questions.

QUESTIONS AND ANSWERS.

Clearing of Letter Boxes in Villages.

1. **Mr. M. K. Reddiyar:** (*a*) Is Government aware of a general complaint from the village population that the present system of delivering letters and closing the post boxes is far from satisfactory; and of a demand as a remedy that the post boxes should be cleared, at least two hours after the delivery of the letters, to facilitate the posting of replies to the letters received?

(*b*) Do Government propose to inquire with a view to make the necessary changes?

Mr. C. A. Innes: Where there is a post office in a village, letters are delivered as soon as possible after they are received. On the other hand the time at which letters are despatched from the village is regulated by the hour of departure of the nearest mail train.

In villages where there is no post office but only a letter box, the postman delivers letters in the village and before leaving it clears the local letter box. As he takes some time delivering letters or paying money orders in the village it is likely that he does find replies, to some of the letters delivered, in the letter box when he clears it and, in practice, if requested to do so, he waits for a few minutes for urgent letters.

With the present establishment it is impracticable to require the village postman to wait two hours at each village and the cost of carrying out the proposed change would be out of all proportion to the advantages to be gained by the villagers.

Rates for Telegrams and Railway Fares, etc.

2. **Mr. B. Venkatapatiraju:** Do the Government propose to reduce at an early date, (1) the inland telegram rates and (2) fares for third class passengers

and rates for internal transit of foodstuffs, fodder and fuel on State controlled railways ?

Colonel W. D. Waghorn: Government regret that they can offer no hope of an early reduction in the rates for inland telegrams or in the railway fares and rates for passengers and goods traffic.

POSTAL SAVINGS BANK DEPOSITS AND INLAND MONEY ORDERS.

3. **Mr. B. Venkatapatiraju:** Do the Government propose to consider the question of increasing the rate of interest of Postal Savings Bank deposits to 3½ per cent. per annum and reducing the charge of Inland money order commission by 25 per cent. of the existing rate for sums not exceeding 25 rupees ?

The Honourable Mr. W. M. Hailey: The first mentioned matter is now under consideration, but I feel bound to say that, so far as we have considered the case, opinions differ whether an increase in the rate of interest would have any substantial effect in increasing the amount of Savings Bank deposits, which, I presume, is the object which the Honourable Member has in view. As regards the commission charged on Inland money order, I cannot hold out any hope that the interests of the general taxpayer will permit of any reduction being made; indeed it is highly probable that the present rates result in internal money order work being done at a loss to general revenues.

VIZAGAPATAM HARBOUR.

4. **Mr. B. Venkatapatiraju:** Do the Government of India propose to introduce a Bill to take over the control of Vizagapatam Harbour ? If so, when ?

Mr. C. A. Innes: The answer to the Honourable Member's question is yes, but it is not possible to give him at present the date when the Bill will be introduced.

GOVERNMENT AND COMPANY-OWNED RAILWAYS.

5. **Khan Bahadur Sarfaraz Husain Khan:** Will the Government be pleased to state how many of the Indian Railways are owned by the Government of India and how many are run by Companies ?

Colonel W. D. Waghorn: There are eleven separate Railway systems in India whose lines (with the exception of a few privately owned sections) are the property of the Government of India. Of these, eight are worked by Companies and three worked direct by Government agency. Besides the above, Government also owns certain portions of the systems worked by the Jodhpur-Bikaner Railway and the Bengal and North-Western, Nizam's Guaranteed State and the Rohilkund and Kumaon Railway Companies.

NUMBER OF STUDENTS IN CERTAIN INSTITUTIONS.

6. **Khan Bahadur Sarfaraz Husain Khan:** Will the Government be pleased to state the number of students on the rolls of the following institutions in the months of August and December, 1920, respectively :—

(*a*) Benares Hindu University.

(*b*) The then Muhammadan Anglo-Arabic College, Aligarh.

(*c*) The Islamia College, Lahore.

(*d*) The Islamia College, Peshawar.

(*e*) The Presidency College, Calcutta ?

Mr. H. Sharp: The information is as follows, the figures in each case referring (save as explained later) respectively to the numbers on the last day of the months of August and December, 1920:

Benares Hindu University	2,372 2,290
The then M. A. O. College, Aligarh	850 575
Islamia College, Lahore	548 530
Islamia College, Peshawar	111 110
Presidency College, Calcutta	937 930

The Muhammadan Anglo-Oriental College, Aligarh, has since been converted into the Aligarh Muslim University. It is uncertain to what precise date the number 575 applies. The information was supplied on the 2nd instant and it appears that 575 was at that time the number on the rolls. The previous figure of 850 is for September.

Title-holders in India.

7. **Khan Bahadur Sarfaraz Husain Khan**: Will the Government be pleased to state the number of title-holders in India during the month of August last and the number of title-holders who have surrendered their titles since then ?

Mr. S. P. O'Donnell (on behalf of the Honourable Sir John Wood): According to the information available the number of holders of Indian titles in India on the 1st August 1920 was approximately 5,000. The number of such titles surrendered, since the 1st August 1920, is twenty-one.

Haj Committees.

8. **Khan Bahadur Sarfaraz Husain Khan**: Will the Government be pleased to state if Haj Committees have been established in the different Provinces of India; and, if so, what is the cost of their maintenance in each Province?

Mr. H. Sharp: Provincial Haj Committees have been established in Bombay, Bengal, Bihar and Orissa, the North-West Frontier Province and Delhi. In 1914 and 1915 local Haj Committees were formed in several districts in almost every province. An important Haj Committee exists also in Karachi, which is one of the two ports of embarkation for pilgrims in India. A statement showing the annual cost of maintenance of Provincial Haj Committees will be supplied to the Member.

Executive Council in Bihar and Orissa.

9. **Khan Bahadur Sarfaraz Husain Khan**: Will the Government be pleased to state if there is any particular reason why, out of the three Members of the Executive Council of Bihar and Orissa, two are Officials and only one a

Non-official; while, in the other provinces, the number is equally divided between Officials and Non-officials?

Mr. S. P. O'Donnell: If the composition adopted in the case of the Executive Councils of the United Provinces, Punjab, Central Provinces and Assam had been adopted, the result would have been, that in a Government consisting of five Members there would have been only one European Official and it was not considered desirable that the European Official element should form so small a proportion of the Government: on the other hand, if the composition adopted in the case of the Presidencies had been adopted for the Bihar and Orissa Executive Council, that Council, would clearly have been larger than was necessary.

Mr. N. M. Samarth: Arising out of that, Sir, may I ask whether the composition of the Bihar and Orissa Government is in conformity with the recommendations of the Joint Parliamentary Committee on the Government of India Act?

Mr. S. P. O'Donnell: No, it is not strictly in accordance with the letter of the recommendation of the Joint Committee.

Mr. N. M. Samarth: May I further ask if it is in conformity with the spirit of the recommendation of the Joint Parliamentary Committee?

Mr. S. P. O'Donnell: I think so.

CODE OF CRIMINAL PROCEDURE.

10. **Mr. A. B. Latthe:** Will the Government be pleased to state whether they intend to amend the Criminal Procedure Code (Act V of 1898), and, if so, when the amending Bill will be introduced into the Assembly?

Mr. S. P. O'Donnell: A Bill to amend the Code of Criminal Procedure, 1898, was introduced in the Indian Legislative Council on the 21st March 1914, and in September 1916 the Governor General in Council referred this Bill and the opinions received on it to a small Committee containing a strong representation of the legal professions. The Bill, as revised by that Committee, was again introduced in the Indian Legislative Council on the 26th September 1917. Some further amendments of the Code have since been considered by Government and introduced into that Bill and it is the present intention of Government to re-introduce the Bill as thus revised either in this Chamber or in the Council of State during the present Session.

CONSTITUTION OF RAILWAY BOARD.

11. **Mr. A. B. Latthe:** Will the Government be pleased to state (1) if there are any rules regulating the constitution of the Railway Board; (2) if any arrangement is made to secure upon the said Railway Board the presence of representatives of Indian Commerce and the Indian public generally; and, (3) if no such arrangement is in existence at present, whether the Government intend to secure such representation on the Board?

Colonel W. D. Waghorn: (1) I shall be glad to send to the Honourable Member a copy of the Resolution of the Government of India constituting the Railway Board.

(2) and (3). There is no provision for the presence of a special representative of Indian Commerce and the Indian public on the Board at present, but the constitution of the Board is one of the questions now being considered by the Indian Railway Committee.

CENTRAL ADVISORY EDUCATION BOARD.

12. **Mr. A. B. Latthe:** (*a*) Will the Government of India be pleased to state whether they intend to nominate representatives of the non-Brahman communities of Bombay and Madras on the Central Advisory Education Board recently formed ?

(*b*) Will the Government be pleased to state what the functions of this Board are ?

Mr. H. Sharp: (*a*) The Central Educational Advisory Board is constituted on a basis of distinction in the field of education and is not primarily intended to represent different communities.

(*b*) The main function of the Board will be the giving of advice to the Department of Education on subjects regarding which that Department may seek the advice of the Board.

RACIAL DIFFERENCES IN CRIMINAL PROCEDURE.

13. **Mr. A. B. Latthe:** Is it the intention of Government to remove, by legislation, all differences in criminal procedure with reference to Indians on the one hand and Europeans and Americans on the other ? If so, when will a Bill be introduced for that purpose ?

Mr. S. P. O'Donnell: As the Member is aware, notice has been given of a Resolution on this subject ; and the Government hope in connection with that Resolution to have an opportunity of stating their attitude in regard thereto.

EXPORT OF BONES AND MANURES.

14. **Mr. M. K. Reddiyar:** Do the Government propose to give effect to the Resolutions regarding the export of bones and manures passed in various Agricultural Conferences and the Conferences of the Board of Agriculture ?

Mr. J. Hullah: The matter is under the consideration of Government.

PRICES OF RICE IN DIFFERENT COUNTRIES.

15. **Mr. M. K. Reddiyar:** Will the Government be pleased to lay on the table a comparative statement of the prices of rice in the different countries of the world at present ?

Mr. J. Hullah: The information is not available, but it is known that in the chief rice producing countries the price has recently fallen greatly.

LICENCES FOR FIRE-ARMS.

16. **Rai Bahadur Sarat Chandra Sen:** Will the Government be pleased to state—

(*a*) the total number of applications for licenses for fire-arms during the year 1920, Province by Province ;

(*b*) the total number of applications for license for fire-arms made by—

(*i*) Europeans,

(*ii*) Indians,

during the year 1920, Province by Province ;

(*c*) the total number of applications that were refused—

(*i*) in case of Indians,

(*ii*) in case of Europeans ;

(*d*) the percentage of Indian applicants who had to pay license-fees, as well as the percentage of such European applicants ;

(*e*) the total amount of license-fees realised in each of the three previous years, *i.e.*, 1917, 1918 and 1919 ?

Mr. S. P. O'Donnell: The Government of India are not in possession of the information asked for by the Member, and they doubt whether local Governments would be able to supply it at present, as the annual reports on the administration of the Arms Act cannot yet have been received. The information is, however, being collected from local Governments and Administrations and will be given to the Member when available.

IMPROVEMENT OF AGRICULTURE.

17. **Rai Bahadur Sarat Chandra Sen :** Will the Government be pleased to state the total amount of money that has been spent for the improvement of agriculture during each of the last five financial years ?

Mr. J. Hullah: The expression 'improvement of agriculture' is a very wide one, and the expenditure on this object would properly include practically the whole of the money spent on irrigation and veterinary work and a large part of the money spent on the organisation of co-operative societies, on forests and on other matters. Excluding such expenditure, but including grants made to the provinces for agricultural education and from the profits of the wheat-scheme, the direct expenditure by the Government of India has been :—

	Rs.
1915-16	5,13,000
1916-17	5,47,000
1917-18	7,18,000
1918-19	29,51,000
1919-20	22,56,000

These figures do not include money spent in the provinces from provincial revenues.

IMPROVEMENT OF FOOD-GRAINS.

18. **Rai Bahadur Sarat Chandra Sen:** Will the Government be pleased to state what, if any, practical improvement has been effected by the activities of the Agricultural Department in the improvement of food-grains ?

Mr. J. Hullah: Reference is invited to the publications of the Imperial and Provincial Departments of Agriculture, particularly with regard to the improvement of rice and wheat, the two chief food-crops of India. It will be seen that a very large amount of scientific work has been followed by much successful application in practice. The special varieties of wheat bred at Pusa now occupy an area of over 500,000 acres, while similar efforts in the Punjab have led to an extension of area under improved types to nearly 400,000 acres. An improvement of the rice crop has been effected along similar lines in Madras, Bengal and the Central Provinces, and in the last named province cultivators are being successfully taught to substitute transplantation for the wasteful and comparatively unprofitable practice of broadcast cultivation. Mention may also be made of the prevention of 'smut' in *jowar* by steeping the seed in antiseptic solutions, resulting in an increase of 10 per cent in the crop.

High Prices of Food-Grains and Cloth.

19. **Rai Bahadur Sarat Chandra Sen:** Will the Government be pleased to state what steps, if any, they are going to take to cope with the high prices of food-grains and cloth?

Mr. J. Hullah: Government are already controlling strictly the export of the principal food-grains and do not consider that any other measures are possible. There has been a marked decline recently in the prices of some of the main articles of food, for example since October last the price of common rice at Calcutta has fallen by Rs. 2 per maund and at Madras by Rs. 1-4-0 per maund, while the price of wheat in the United Provinces has fallen by 11 annas per maund.

As regards cloth, the Honourable Member has no doubt studied Mr. Noyce's Report on the Cotton Cloth Operations in 1919, which was published with the Commerce Department Resolution No. 676, dated the 30th January 1920, and he will readily understand why the Government of India, apart from all the other obvious objections to control, are reluctant again to undertake such difficult operations. The price, both of cloth and of raw cotton, is now very much lower than when the Cotton Cloth Act was passed in 1918, and having regard to the sensational fall which has taken place in the price of textiles in the United Kingdom, the Government would prefer to leave the course of cloth prices in India to be regulated by natural causes.

Road and Public Works Cesses and Railways.

20. **Rai Bahadur Sarat Chandra Sen:** (*a*) Will the Government be pleased to state if under the Cess Act (Bengal Act IX of 1880) Railways are liable to pay Road and Public Works Cesses on net profit with the consent of the Governor General in Council?

(*b*) Will the Government be pleased to state if the Governor General in Council has up to date so consented to the imposition of Road and Public Works Cesses since the passing of the above Act?

(*c*) If the answer be in the negative, will the Government be pleased to state their reasons?

(*d*) Do the Government propose to consent to the imposition of Road and Public Works Cesses on the Railway Administrations within the Provinces of Bengal and Bihar and Orissa ?

Colonel W. D. Waghorn: (*a*) Reply is in the affirmative.

(*b*) and (*c*) Yes, for special reasons in respect of the collieries owned and worked by the East Indian Railway and the Great Indian Peninsula Railway.

(*d*) The suggestion put forward in this question involves an entire departure from principles hitherto accepted. The Government of India see no adequate grounds for a departure from these principles, or for treating District Boards in the Provinces of Bengal and Bihar and Orissa differently from District Boards in the other Provinces.

PASSENGER SUPERINTENDENTS.

21. **Rao Bahadur T. Rangachariar:** Will the Government be pleased to state whether Passenger Superintendents with the sole duty of looking after the comfort and convenience of third class passengers are being employed on the various Indian Railways, and, if so, on which of them ?

Colonel W. D. Waghorn: Passenger Superintendents are employed on the three State Railways (*viz.*, the North Western, Eastern Bengal and Oudh and Rohilkhand Railways) and on the Bombay, Baroda and Central India, East Indian, Great Indian Peninsula and Madras and Southern Mahratta Railways.

Passenger Guides are employed on the Bengal Nagpur Railway and Passenger Inspectors on the Assam Bengal Railway.

RECONSTRUCTION OF THE CALCUTTA UNIVERSITY.

22. **Sir D. P. Sarbadhikari:** (*a*) When will the work of reconstruction of the University of Calcutta be commenced, on what lines and by whom ?

(*b*) Has there been any enquiry as to the probable cost of carrying out the proposed scheme of reconstruction ? If so, what is the result ?

(*c*) Has it been ascertained as to what funds would be available for the purpose ?

(*d*) What funds are proposed to be set apart for the purpose and by whom ?

(*e*) When and on what lines and in what Council is Legislation proposed to be undertaken for such reconstruction ?

Mr. H. Sharp: (*a*) The answer depends on the date of the passing of legislation on the subject of the University of Calcutta and on certain other factors.

(*b*) An estimate of the probable cost of the proposed scheme was made by the Calcutta University Commission and will be found in Volume V of their Report. No further enquiry has been made.

(*c*) and (*d*). Nothing can be stated regarding the funds available or earmarked for the purpose of the University of Calcutta at the present stage.

(*e*) These matters are under consideration.

SUPPRESSION OF URDU PAPERS.

23. **Mir Asad Ali Khan Bahadur:** Will Government be pleased to state the names of Urdu papers suppressed by the authorities in connection with the Khilafat and Non-co-operation agitation?

Mr. S. P. O'Donnell: If the Honourable Member is referring to those papers which have ceased publication owing to proceedings under the Press Act, the *Dastur* of Bijnor, United Provinces, is the only paper which has ceased publication. No papers have been suppressed.

SEIZURE OF KHILAFAT FUNDS.

24. **Mir Asad Ali Khan Bahadur:** (*a*) Has the attention of Government been drawn (1) to the publication of a correspondence entitled 'Khilafat Committee and Telegraph Offices' in the *Hindu* (Madras) of the 21st December 1920, and (2) to the publication of a telegram under the heading 'Alleged Seizure of Khilafat Papers' in *New India* (Madras) of the 18th December 1920, and if so, whether the allegations therein contained are true?

(*b*) If the allegations are true, what action do Government propose to take in the matter?

Mr. S. P. O'Donnell: (*a*) The attention of the Government of India has been drawn to the articles in the papers mentioned.

(*b*) The allegations are entirely untrue and grossly malicious.

TURKISH PEACE TREATY.

25. **Mir Asad Ali Khan Bahadur:** Do the Government of India propose to address the Home Government again on the subject of Indian Muslim representations in the matter of the Turkish Peace Treaty?

The Honourable Dr. T. B. Sapru (on behalf of the Honourable Mr. Denys Bray): The answer is in the negative, for the simple reason that the Government of India have already taken every possible opportunity that has offered of representing to His Majesty's Government the strong views entertained by Moslem India regarding the Turkish Treaty, in amplification or reinforcement of the full representations previously submitted to His Majesty's Government. During the last three months eleven telegrams have been despatched to His Majesty's Government on the subject, six by the Government of India and five by His Excellency the Viceroy personally; the last two telegrams from the Government of India were despatched as recently as January 26th and February 11th. His Majesty's Government are thus fully apprised of the views of Indian Moslems and of the Government of India, and for the moment nothing further can be usefully done. But I can assure the Honourable Member that, should any opportunity for further representation present itself, the Government of India will be

quick to avail themselves of it. They are keenly alive to the interests of the Moslem community in this momentous matter.

MUHAMMADAN JUDGE TO MADRAS HIGH COURT.

26. **Mir Asad Ali Khan Bahadur:** (*a*) Is it a fact that public meetings of Mussalmans of Madras and Negapatam were held to request the Government for the appointment of a Muslim Judge on the bench of the Madras High Court?

(*b*) Is it also a fact that the Madras Mussalman Members of the Council of State, Legislative Assembly and the Madras Legislative Council sent a Memorial to Government for the appointment of a Muslim Judge on the bench of the Madras High Court?

(*c*) Do Government propose to appoint permanently a Muslim Judge in the vacancy caused by the retirement of Sir Abdul Rahim?

Mr. S. P. O'Donnell: (*a*) The Government of India have no knowledge of the meeting of Muhammadans stated to have been held at Madras. A copy of a Resolution passed by the Shareeathul Islam Society of Negapatam was, however, received. It was sent to the Local Government for consideration.

(*b*) The Memorial referred to has not been received by the Government of India.

(*c*) This question does not directly concern the Government of India as permanent appointments are made by His Majesty, and recommendations regarding such appointments in the case of the Madras High Court are made to the Secretary of State directly by the Government of Madras. The Government of India have reason to know that in making such recommendations the Government of Madras have in the past taken and will take into consideration the claims of suitable Muhammadan gentlemen for appointment. The benches of High Courts are not, however, representative institutions and the main consideration in filling vacancies must always be that of efficiency.

EXECUTIVE COUNCILS, MADRAS, BOMBAY AND BENGAL.

27. **Rao Bahadur T. Rangachariar:** Was the Government of India consulted by the Local Governments of Madras, Bombay and Bengal in the matter of the increase of the strength of their respective Executive Councils? If the answer is in the affirmative, will Government be pleased to lay on the table the correspondence on the subject?

Mr. S. P. O'Donnell: Under section 47 (*1*) of the Government of India Act, the strength of a Governor's Executive Council is determined by the Secretary of State in Council before whom the views of the Government of India and of the Local Governments referred to were placed. The answer to the last part of the question is in the negative.

THE GANGES RIVER.

28. **Rai J. N. Majumdar Bahadur:** Has Government taken into consideration the representations that have been made regarding the uninterrupted flow of the Bhagirathi or the Ganges from Gangotri to the Sagar Island by the Hindu community both of British India as well as of the Native States, and if so, is Government going to take any steps towards it?

Colonel Sir S. D'A. Crookshank: The Honourable Member is referred to the reply given by the Honourable Sir Claude Hill to a question asked in the Imperial Legislative Council on the 25th February 1920 by the Honourable Maharaja Sir Manindra Chandra Nandi on the same subject, in which the position was clearly explained. The question and answer will be found printed in the Gazette of India for 13th March 1920, part VI, pages 376-377.

A further representation has since been received from the All-India Hindu Sabha, and the views of the Government of the United Provinces thereon are awaited.

IRRIGATED AREAS IN UNITED PROVINCES AND BIHAR.

29. **Rai J. N. Majumdar Bahadur:** (*a*) What is the total area irrigated in the United Provinces of Agra and Oudh and Bihar by State canals from the Ganges and its tributaries, by State tanks, by State wells, as well as private wells and tanks ?

(*b*) What is the total area under irrigation in British India by wells, canals, tanks (State and private) ?

(*c*) Has Government taken into consideration the relative merits of canal irrigation and tank and well irrigation both from the agricultural and sanitary points of view ?

(*d*) Is it a fact that the United Provinces and Bihar have been subjected to malaria since the introduction of canals ?

Colonel Sir S. D'A. Crookshank: (*a*) The areas vary considerably from year to year. The Honourable Member will find the figures for the particular year he desires in volume I of the Agricultural Statistics of India which is published annually by the Department of Statistics.

(*b*) The same remarks apply as to (*a*) above.

(*c*) The relative merits of canal and other forms of irrigation have been considered in their relation to the improvement of agriculture, but no specific investigation has been made by the Government of India as regards their effects on sanitation.

(*d*) The Government of India have no definite statistical information on the subject but, whereas the area under canal irrigation in the United Provinces has doubled since 1880, there has been no progressive increase in deaths from fevers (which include malaria). There is therefore no reason to associate in any special way the incidence of malaria with the introduction and development of canal irrigation.

KNOWLEDGE OF VERNACULAR BY HIGH COURT JUDGES.

30. **Rai J. N. Majumdar Bahadur:** (*a*) Are the Judges of the High Courts and Judicial Commissioners' Courts of India presumed to know the vernaculars of the provinces within their jurisdiction ?

(*b*) Is Government aware that litigants are subjected to heavy extra taxation for cost of translation owing to the ignorance of vernaculars on the part of the Judges ?

(*c*) Will Government be pleased to state separately the amount taken from litigants for cost of translation and the amount taken for fees under the Court Fees Act for each High Court and Judicial Commissioner's Court ?

(*d*) Is Government aware of the protest of the Calcutta Vakil Bar against heavy charges for printing and translation in the Calcutta High Court?

Mr. S. P. O'Donnell: (*a*) Every member of the Indian Civil Service is ordinarily required first to pass in the vernacular of the district in which he is stationed and then in one (and in certain cases also another) of the provincial vernaculars. A similar rule applies to members of the Provincial Service. Judges of High Courts and Judicial Commissioners' Courts who are members of these services are therefore generally equipped with at least a fair knowledge of some vernaculars. Indian Judges who have been recruited from the local bar and generally European Judges so recruited also may possess such knowledge. It is not, however, expected that Judges who are recruited direct from the English bar should have any knowledge of the vernaculars.

(*b*) English is the court language of the High Courts and Judicial Commissioners' Courts, and translation at the expense of the litigants is required in the case of the vernacular portion of the records in civil cases. Evidence is taken down in English with the help of the Court interpreters and no charges are levied, and plaints and memoranda of appeals are ordinarily required by the Courts to be written in English.

(*c*) If the Member will indicate the period for which the information asked for is required, Government will obtain the necessary statistics so far as the Calcutta High Court is concerned from the High Court, if available. As regards the other Courts referred to, the Member should address the Local Governments concerned.

(*d*) Printing charges have been raised under the new rules of the Appellate Side of the Calcutta High Court, and the protest referred to has been received. The Honourable Judges have this matter under their consideration, and it is the desire of the Court as well as of the Government that any hardship caused by the new arrangement should be mitigated. The matter rests with the High Court under the terms of the Letters Patent of the Court, but it will be realised that in view of the change in the general economic conditions some increase in the charges is inevitable, and in the case of translation charges the excess is no more than would be justified under the changed conditions.

SUPREME COURTS OF APPEAL IN INDIA.

31. **Rai J. N. Majumdar Bahadur:** Is Government prepared to consider the question of establishing a Supreme Court of Appeal in India in preference to the Privy Council at an early date?

The Honourable Dr. T. B. Sapru: The Member's question raises an issue of great importance on which at short notice Government is not prepared to make a statement. The establishment of a Supreme Court of Appeal forms the subject of a Resolution of which notice has been given by another Member. Perhaps the Member will repeat his question, if necessary, after the Resolution has been discussed.

STATUS OF INDIAN VAKILS.

32. **Rai J. N. Majumdar Bahadur:** Is Government going to consider whether the legal education that is imparted in Inda is inferior in any

way to that imparted in the Inns of Court in England and to take steps for raising the standard of legal education in India and placing Indian Vakils on equal status with English Barristers ?

Mr. S. P. O'Donnell: The Government of India have no reason to consider that a legal education practically equivalent to that imparted in the Inns of Court in England cannot be obtained in India, and they consider that the eminence in their profession reached by several Vakils points also to this conclusion.

They are not, however, concerned with the raising of the standard of legal education in those provinces in which it is defective as that is a matter for the Minister in charge of the portfolio of education in the province concerned.

It is understood that the latter part of the question relates to the disabilities of Vakils in respect of the practice of their profession in certain High Courts. The Government have this matter under consideration and hope before long to be in a position to announce their policy.

British and Indian Soldiers.

33. **Rai J. N. Majumdar Bahadur:** (*a*) What is the total number of British soldiers in India and what is the annual average cost per head ?

(*b*) What is the total number of Indian soldiers in India and what is the annual average cost per head ?

(*c*) What is the present strength of the Army in India in all its branches and the annual cost of its maintenance, and is the Government going to take any steps to reduce its present strength ? If not, why ?

(*d*) What was the number of soldiers, Indian and British, sent out of India and the number kept in India during the late war ?

(*e*) What is the total number of officers under the Indian Commission and the cost per head and the total number of officers under the British Commission and the cost per head ?

(*f*) Is the Government going to take any steps for reducing the number of British Commission officers and replacing them by Indian officers with equal status and, pay and, if so, to what extent ?

(*g*) What is the number of Gurkhas—subjects of the King of Nepal—employed in Indian regiments ?

(*h*) Will the Government lay on the table a statement showing the increase of military expenditure every year from the date of assumption of the rule of India by Queen Victoria after the mutiny up to the year 1920 ?

Sir Godfrey Fell: (*a*) The total number of British soldiers in India, excluding the Royal Air Force, in January 1921, was approximately 60,700. The annual average cost per head of the combatant ranks is approximately Rs. 2,110.

(*b*) The total number of Indian soldiers in January 1921 including those paid for by His Majesty's Government was approximately 280,000. The annual average cost per head of the combatant ranks is approximately Rs. 500.

(*c*) The strength of the Army in India, on the 1st January 1921, the cost of which is chargeable to Indian Revenues, was :—

British	70,745
Indian	229,651

These figures include both the combatant and administrative services. The figures under the heading "British" include the Royal Air Force, and also the British officers of the British and Indian services. The difference between the figure given in the reply to this part of the question under 'Indian' and that given under (*b*) is that the latter includes about 51,000 Indian troops, the cost of which is debitable to His Majesty's Government.

The annual cost of the maintenance of an army of this strength has never been calculated, and it would serve no useful purpose to make the calculation now—the reason being that the strength of the Army in India is at present a diminishing quantity. The figures which I have given represent a higher strength than that which has been accepted for the permanent post-war military establishments, towards which reductions are now being made. The retention temporarily, of the larger numbers has been due, as the Honourable Member will realise, to the fact that we have been involved, for some time past, in operations on the frontier.

(*d*) The Government regret that they are unable to furnish the information asked for by the Honourable Member. The number of soldiers in India during the war varied considerably from day to day, owing to the constant arrival and departure of troops. It would be impossible to furnish the information asked for without an expenditure of time and labour incommensurate with the results.

(*e*) The total number of officers holding the Viceroy's Commission, belonging both to the combatant and non-combatant services, is approximately 4,670.

The total number of officers holding His Majesty's Commission belonging both to the British and Indian services, and excluding the Royal Air Force and the Auxiliary Force, is approximately 8,890.

The annual average cost of an officer with the Viceroy's Commission is approximately Rs. 1,400 and that of an officer holding the King's Commission is approximately Rs. 12,350.

(*f*) It is understood that what the Honourable Member desires to know is whether it is intended to replace a certain number of British officers holding His Majesty's Commission by Indian officers holding the same Commission and, if so, to what extent. The answer is that King's Commissions have already been conferred on a number of Indian gentlemen, while others are undergoing training at Sandhurst with a view to qualifying for such Commissions.

It is the aim of the Government of India that His Majesty's Commissions should be conferred on Indians in increasing numbers, provided that the experiment, now being tried, of employing them in this capacity proves successful.

(*g*) The number of Gurkhas employed in the Indian Army is approximately 19,800.

(*h*) The statement asked for is laid on the table.

Statement showing the total net *expenditure in India and England under all Military heads, viz., Army, Marine, Military Works and Special Defences, from 1858-59 to 1920-21.*

Year.	Total net Military Expenditure.	Variation (increase + decrease —) in each year compared with the previous year.	Remarks.
	£	£	
1858-59	26,495,514	...	
1859-60	23,540,690	—2,954,824	
1860-61	18,750,598	—4,790,092	
1861-62	16,333,254	—2,417,344	
1862-63	15,360,791	—972,463	
1863-64	14,858,523	—502,268	
1864-65	16,245,505	+1,386,982	
1865-66	17,561,296	+1,315,791	
1866-67	17,169,517	—391,779	
1867-68	17,729,402	+559,885	
1868-69	17,719,803	—9,599	
1869-70	17,686,246	—33,557	
1870-71	16,532,615	—1,153,631	The Indian figures have been converted into sterling at Rs. 10=£1.
1871-72	16,089,319	—443,296	
1872-73	16,092,844	+3,525	
1873-74	15,615,057	—477,787	
1874-75	15,847,093	+232,036	
1875-76	15,983,923	+136,830	
1876-77	16,496,115	+512,192	
1877-78	17,195,134	+699,019	
1878-79	17,566,789	+371,655	
1879-80	21,832,868	+4,266,079	
1880-81	25,102,269	+3,269,401	
1881-82	16,447,261	—8,655,008	
1882-83	17,035,846	+588,585	
1883-84	17,390,285	+354,439	
1884-85	16,435,755	—954,530	
	Rx.	Rx.	
1885-86	20,385,937	...	
1886-87	20,387,014	+1,077	
1887-88	21,480,601	+1,093,587	
1888-89	21,461,253	—19,348	
1889-90	21,972,927	+511,674	The loss by exchange on transactions in England has been added to the expenditure and the total amounts for India and England shown in Rx. X=10.
1890-91	21,906,552	—66,375	
1891-92	23,675,306	+1,768,754	
1892-93	24,864,630	+1,189,324	
1893-94	24,464,891	—399,739	
1894-95	24,769,817	+304,926	
1895-96	26,251,472	+1,481,655	
1896-97	25,052,145	—1,199,327	
1897-98	27,732,758	+2,680,613	

Statement showing the total net *expenditure in India and England under all Military heads*, viz., *Army, Marine, Military Works and Special Defences, from 1858-59 to 1920-21*—contd.

Year.	Total net Military Expenditure.	Variation (increase + decrease —) in each year compared with the previous year.	Remarks.
	£	£	
1898-99	16,474,810	...	The Indian figures have been converted into sterling at Rs. 15=£1.
1899-00	15,376,473	—1,098,337	
1900-01	15,474,391	+97,918	
1901-02	16,164,292	+689,901	
1902-03	17,634,613	+1,470,321	
1903-04	18,140,823	+506,210	
1904-05	20,696,193	+2,555,370	
1905-06	19,676,639	—1,019,554	
1906-07	20,170,360	+493,721	
1907-08	19,248,354	—922,006	
1908-09	19,602,988	+354,634	
1909-10	19,112,323	—490,665	
1910-11	19,265,042	+152,719	
1911-12	19,558,580	+293,538	
1912-13	19,565,466	+6,886	
1913-14	19,896,113	+330,647	
1914-15	20,434,915	+538,802	
1915-16	22,261,353	+1,826,438	
1916-17	24,990,811	+2,729,458	
1917-18	29,043,141	+4,052,330	
1918-19	44,480,238	+15,437,097	
1919-20	58,090,173	+13,609,935	
1920-21 (Budget Estimate).	55,181,800	...	The Indian figures have been converted into sterling at Rs. 10=£1.

Frontier Tribes and Expeditions.

34. **Rai J. N. Majumdar Bahadur :** (*a*) Has the British Government any settled policy in regard to the frontier tribes and, if so, will they make a statement about it ?

(*b*) What has been the total expenditure incurred including the salaries of soldiers and officers on frontier expeditions during the last 25 years, and will the Government lay on the table a statement showing the expenditure on frontier expeditions per year ?

(*c*) Has the Government ever made any attempts to establish stable government among the frontier tribes in alliance with the British Government ?

(*d*) Will the Government mention the names of the different frontier tribes, their numbers and the areas inhabited by them and also state whether any system of government prevails amongst them ?

(*e*) Is the Government, failing the establishment of stable governments amongst the frontier tribes, prepared to take any steps which are likely to put a stop to the almost chronic state of disorder in the frontier?

(*f*) Has the Government any knowledge of the sources from which the frontier tribes secure arms and, if so, has the Government taken any steps to stop the sources of supply?

The Honourable Dr. T. B. Sapru (on behalf of the Honourable Mr. Denys Bray) : My answers throughout will be based on the assumption that in using the term 'frontier tribes' the Member does not refer at large to the whole series of tribes that lie along our vast land frontiers but refers specifically to those tribes on the North-West Frontier who live in the territory on the British side of the Durand Line between the administered districts of the North-West Frontier Province and the Afghan border.

(*a*) Yes. The policy of the Government of India towards the tribes on the North-West Frontier Province has always been to leave them free in their internal affairs, so long as their behaviour does not injure the welfare of the inhabitants of the settled districts of India which border on them. In this policy of non-interference reliance is placed on the one hand on the personal influence of the local Political Officer, on the grant of tribal allowances in return for the acceptance of tribal responsibility, on the opening up of avenues of employment to the tribesmen, and other political measures, to keep the tribes out of mischief and under control; and on the other, on punitive measures such as the forfeiture of allowances, exclusion from administered territory, and in the last resort military expeditions, to bring the tribes to book in the event of intolerable recalcitrance. When, however, a rigid adherence to this policy of non-interference involves the sacrifice of the paramount interests of our settled districts, the Government realise that it must be definitely modified for the better safeguarding of those interests. In the case of Waziristan, for instance, this policy has failed conspicuously to secure our peaceful subjects in the adjoining districts from outrageous aggression and depredation, and His Majesty's Government accordingly sanctioned in May last the military occupation of the central portion of the Mahsud country, together with the construction of roads, which experience has shown to be one of the most effective of pacifying influences. In these measures lies, in the opinion of the Government of India, the best prospect of the eventual security of our border. But the measures will necessarily take time to be put into full effect and entail considerable expenditure. The protection of the harassed border population, however, is first among the duties of Government, and the Government of India are confident that the whole of India will, as heretofore, support them in their endeavour to secure it; while against the heavy expenditure are to be placed savings on the periodical punitive expeditions against the Mahsuds which have been necessary in the past.

(*b*) The total expenditure, incurred on frontier expeditions during the last 25 years including the last Afghan War, is Rs. 35,72,71,439.

The required statement is laid on the table. It shows only the extra expenditure incurred, as charges on account of the ordinary pay and allowances of officers and soldiers employed on each expedition were compiled to the ordinary grant heads, and no separate record of them has been maintained.

(*c*) Yes. It has been the constant aim and policy of Government to assist and strengthen the stabler elements in the tribal system of the various tribes, whether the existing government is by tribal Chiefs as in Chitral, Dir and Amb, or by tribal headmen or elders in democratic tribes like the Mohmands, Afridis, Orakzais, Mahsuds and Wazirs. Where we have to do with tribal Chiefs, considerable success has attended Government's endeavours. In the democratic tribes, however, who are in the large majority, Government's endeavours have been largely frustrated by the intensely democratic spirit and the personal and sectional jealousies among the tribesmen.

(*d*) If the Honourable Member refers to the main tribal divisions, the names of some of the most important have already been mentioned in my answer, and further general information is to be found in publications like the Imperial Gazetteer and the last census report. The tribal ramifications are of course innumerable and the preparation of the detailed statement would take time. But if the Honourable Member so desires and will indicate more precisely the information he seeks, it will be furnished. Accurate statistics, however, are not available, for the tribal territory has not been subjected to a regular census. Nor do the areas occupied by the various tribes ordinarily permit of exact definition, for clans often reside away from the main tribe, while some tribes are subject to a seasonable migration from one habitat to another. The following broad facts, however, are of interest. The tribal area of the North-West Frontier Province (as opposed to the area covered by the five administered districts) covers 25,500 square miles. At the last census, the population occupying the area was very roughly estimated at over a million and a half, including 865,000 males, of whom 500,000 would be adults and regarded by the tribes as fighting men.

In some of the tribal areas there is a definite government by tribal Chiefs like the Mehtar of Chitral, the Nawab of Amb and the Nawab of Dir. Most of the tribes, however, are extremely democratic in character, among whom the only system of government is one of the most rudimentary kind by tribal or sectional councils. In these democratic tribes personal and sectional jealousies, the universal prevalence of the blood-fued, and the growth of extreme individualism have weakened the sense of collective responsibility and sapped the authority of the elders.

(*e*) Yes. Government are always prepared to take such steps to deal with frontier disorders as are compatible with financial, military and political considerations, and are confident that the whole of India will, as heretofore, support them in their endeavours to secure the protection of their peaceful subjects in the settled districts against intolerable aggression and depredation by the frontier tribes. The steps now being taken in Waziristan to this end have been dealt with in the first part of my answer.

(*f*) Yes. Government have accurate knowledge of the main sources from which the frontier tribes secure their arms, the increase of which as the question implies, has greatly aggravated the difficulty of the frontier problem, and have taken and will continue to take all measures in their power to stop these sources of supply. But the Honourable Member will appreciate the desirability in present circumstances of not disclosing the extent of our knowledge of the sources of supply or the measures at our disposal for stopping them.

Statement showing net extra expenditure on account of Frontier Expeditions from 1895-96 to 1919-20.

	Chitral Relief Force.	Waziri-Afghan Boundary Demarcation and Waziristan Field Force.	Khyber Force and Movable Column.	Tochi Field Force.	Malakand Field Force and North-West Frontier Disturbances.	North-West Frontier Field Operations.	Blockade of the Mahsud Waziris.	Kohat-Kuram Force.	Bazar Valley Field Force.	Mohmand Field Force.	North-West Frontier, 1914.	North-West Frontier, 1916.	North-West Frontier, 1919.	Operations in Baluchistan.	Total expenditure.	Deduct Receipts.	Net Expenditure.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1895-96	1,61,93,015	5,72,336	...	...	...	...	...	...	...	...	...	...	...	...	1,67,65,351	3,57,208	1,64,08,143
1896-97	1,71,222	10,841	...	...	...	...	...	...	...	...	...	...	...	...	1,82,063	38,522	1,43,541
1897-98	28,367	...	...	36,90,948	3,46,81,321	...	...	...	...	...	...	...	...	...	3,84,00,636	7,47,128	3,76,53,508
1898-99	...	...	...	2,62,075	...	1,02,48,183	...	8,15,971	...	...	...	...	...	...	1,13,26,229	4,80,830	1,08,45,399
1899-00		...	10,72,153	...	...	2,49,387	...	6,60,430	...	...	...	...	...	...	19,80,860	1,32,473	18,48,388
1900-01	...	...	...	...	...	42,221	5,31,871	3,89,388	...	...	...	...	...	...	9,63,280	71,311	8,91,969
1901-02	...	...	...	...	...	14,354	25,14,338	1,96,269	...	...	...	...	...	...	27,14,861	1,55,235	25,59,626
1902-03	...	...	...	...	...	13,971	6,59,239	1,58,843	...	...	...	...	...	...	8,32,051	40,189	7,91,862
1903-04		...	...	...	...	5,224	19,694	...	...	...	...	...	...	...	24,918	—4,469	29,387
1904-05	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
1905-06	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
1906-07			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
1907-08	...	...	...	...	...	...	...	...	4,20,596	...	...	...	...	...	4,20,596	29,665	3,90,931
1908-09	...	...	...	...	...	...	...	...	2,85,435	18,63,736	...	...	...	...	21,49,171	1,09,518	20,39,653
1909-10			...	...	...	...	...	...	283	4,650	...	...	...	...	4,933	5,918	—985
1910-11	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
1911-12	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
1912-13	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
1913-14	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
1914-15	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
1915-16			...	...	...	...	...	...	...	...	6,87,502	...	...	...	6,87,502	955	6,86,547
1916-17	...	...	...	...	...	...	...	...	...	...	44,67,950	...	...	650	44,68,600	56,533	44,12,067
1917-18	...	...	...	...	...	...	...	...	...	...	...	70,96,602	...	2,19,335	73,15,937	1,82,184	71,33,753
1918-19			...	...	...	...	...	...	...	...	...	1,72,32,209	...	...	1,72,32,209	2,25,391	1,70,06,818
1919-20	...	...	...	...	...	...	...	...	...	...	...	1,59,94,963	...	6,746	1,60,03,710	3,17,225	1,56,86,485
												23,88,910	24,09,99,734*	...	24,32,88,644	45,44,317	23,87,44,327
TOTAL ...	1,63,92,604	5,83,177	10,72,153	39,53,023	3,46,81,321	1,05,72,140	37,24,941	23,10,890	7,06,314	18,68,386	51,55,452	4,96,12,683	24,09,99,734	2,28,733	36,47,61,551	74,90,112	35,72,71,439

* Includes cost of 3rd Afghan War.

DELHI;
The 12th February 1921.

C. N. BAKER, *Colonel,*
Military Accountant General.

PATNA UNIVERSITY.

35. **Khan Bahadur Saiyid Muhammad Ismail:** Will the Government be pleased to state if they have received a copy of the Resolution unanimously passed by the non-official Members of the late Bihar and Orissa Legislative Council at a meeting held on the 30th July 1920, recommending to the then Lieutenant-Governor in Council to move the Government of India to make a grant out of the Imperial Revenue for the cost of establishing the Patna University at an early date with the recommendation of the Local Government? If so, will the Government be pleased to state what steps they propose to take in the matter?

Mr. H. Sharp: The reply to the first part of the question is in the negative. But, prior to the date on which it is stated that the Resolution was passed, the Government of Bihar and Orissa approached the Government of India in a similar sense. The Government of India were unable to comply with the request of the Local Government.

DISTRICT AND SESSIONS JUDGESHIPS.

36. **Khan Bahadur Saiyid Muhammad Ismail:** (*a*) Will the Government be pleased to state if any effect has yet been given to the recommendations of the Public Services Commission regarding the recruitment from the Bar to the posts of District and Sessions Judge? If the reply be in the affirmative, will the Government be pleased to lay on the table the appointments that may have been made to the post of District and Sessions Judge from the Bar in any of the provinces of India?

(*b*) Are the Government aware that no effect has yet been given to the above recommendations of the Public Services Commission in the Province of Bihar and Orissa?

Mr. S. P. O'Donnell: (*a*) The Honourable Member is referred to paragraph 11 of Home Department Resolution No. 2559, dated the 1st December 1920, and to Resolution No. 1260, dated the 24th June 1920, as amended by Resolution No. 2353, dated the 1st November 1920. The Government of India have no information as to whether in fact any such appointments have as yet been made. The appointments are not made by them but by Local Governments, subject to the limits laid down in paragraph 11 of the Resolution above referred to.

(*b*) This is covered by the reply to the second part of sub-question (*a*).

PROVINCIAL CIVIL SERVICE.

37. **Mr. Ali Buksh Mahomed Hussain:** Will Government be pleased to refer to paragraph 9 in the recent *communiqué* regarding the constitution of the Indian Civil Service and state what number of appointments in the Executive as well as Judical branches of the Indian Civil Service, is being thrown open to members of the Provincial Civil Service in each province?

Mr. S. P. O'Donnell: The number of listed posts in the various provinces is shown in the statement placed on the table. As stated in the Government of India's Resolution of the 1st December 1920, the Public Services Commission recommended some reduction in the number of listed posts; but the Government of India decided against any reduction for the present, and it is probable indeed that in some provinces the number of such

appointments will be increased. It is for Local Governments, in the first instance, to make proposals for increasing the number of listed posts and some such proposals have been received and are under consideration.

Statement showing the number of listed posts in various provinces.

	Executive.		Judicial.
Madras	5		5
Bombay	2	12	3
Bengal			
United Provinces	2		8
Punjab	4		6
Burma	4		2
Bihar and Orissa		6	
Central Provinces	3		4
Assam	*Nil.*		*Nil.*

REVENUE AND EXPENDITURE FOR ASSAM AND SIND.

38. **Mr. Ali Buksh Mahomed Hussain:** Will Government be pleased to place on the table a comparative statement showing the figures of revenue and expenditure, under the various heads, of Assam and Sind for the last ten years?

The Honourable Mr. W. M. Hailey: The figures for 1912-13 onwards for Assam will be found on pages 59 and 91 of the Statistics compiled from the Finance and Revenue Accounts of the Government of India published in 1920, and on pages 1574 to 1577, Volume II, of the Civil Estimates for 1920-21. The figures for Sind are not shown separately, in the accounts and statistics maintained by the Government of India, from those of the Bombay Presidency proper. It is possible that the Provincial Government might be able to supply the Honourable Member with them.

EXPENDITURE IN MESOPOTAMIA.

39. **Mr. Muhammad Yamin Khan:** How much Indian money has been spent in all and different shapes during and after the war up to 31st December 1920, in Mesopotamia, Palestine, Syria, Egypt and East Africa, respectively?

The Honourable Mr. W. M. Hailey: The Government have more than once stated that no expenditure chargeable to Indian revenues—that is to say no expenditure not recovered from His Majesty's Government—has been incurred during the war or after the war in any of the places mentioned in the question. That answer still holds good.

INDIAN FORCES IN MESOPOTAMIA, ETC.

40. **Mr. Muhammad Yamin Khan:** What was the number of Indian forces and camp followers employed in Mesopotamia, Palestine, Syria, Egypt and East Africa, respectively, during the years 1915 to 1918 as compared to English forces in the same places during the same years?

Sir Godfrey Fell: It is not possible to furnish comparative statements of the number of Indian troops and followers employed in Mesopotamia, Palestine, Syria, Egypt and East Africa and of the British Forces employed

in these areas, during the years mentioned, as the Government of India have no information on the latter subject.

INDIAN LIVES LOST IN THE WAR.

41. **Mr. Muhammad Yamin Khan:** How many Indians lost their lives owing to enemy action in the late Great War?

Sir Godfrey Fell: The number of Indian lives lost from all causes in all theatres during the Great War is 36,696.

It is regretted that information is not readily available to show how many of these lives were lost directly owing to enemy action.

GANDHI CAPS IN EDUCATIONAL INSTITUTIONS.

42. **Mr. Muhammad Faiyaz Khan:** (*a*) Is it a fact that the District Magistrate and the Inspector of Schools, Meerut, issued orders forbidding the use of the so-called Gandhi caps in educational institutions?

(*b*) What steps, if any, have been taken against them?

(*c*) If no action has yet been taken, does the Government contemplate taking any action?

Mr. H. Sharp: (*a*) and (*b*). The Government of India have no information on the matter.

(*c*) The answer is in the negative.

ACCEPTANCE OF PRESENTS BY GOVERNMENT OFFICIALS.

43. **Mr. Muhammad Faiyaz Khan:** Will the Government be pleased to state if the higher Government officials and their wives are forbidden to accept any valuable presents or tokens from Princes, Maharajas, Rajas, Nawabs and Raises?

Mr. S. P. O'Donnell: The acceptance of presents by Government Servants is governed by Rule 2 of the Government Servants' Conduct Rules. I will supply the Member with a copy of the Rule, if he so desires.

KHILAFAT QUESTIONS.

44. **Mr. Muhammad Faiyaz Khan:** Do the Government intend to publish the despatch of the Indian Government on the Khilafat question, to which His Excellency the Viceroy referred in the speech delivered at Sylhet in November last?

The Honourable Dr. T. B. Sapru (on behalf of the Honourable Mr. Denys Bray): The Honourable Member is under a misapprehension. If he will re-read His Excellency the Viceroy's speech at Sylhet, he will see that His Excellency referred therein not to a despatch by the Government of India, but to a personal message from himself. The representations of the Government of India to His Majesty's Government regarding the Turkish Treaty have been telegraphic throughout. They have repeatedly pressed on the notice of His Majesty's Government the views of the Muhammadan community on the subject. It is unfortunately impossible for them to publish correspondence on a matter which affects the relations of His Majesty's Government with foreign States.

EUROPEANS AND ARMS ACT.

45. **Mr. Muhammad Faiyaz Khan:** Will the Government be pleased to state if the statement contained in the Honourable Mr. C. Y. Chintamani's speech delivered at Madras in December last as President of the National Liberal Federation, that 'A recent notification of the Government of India has the effect of exempting practically every European in India from the operation of the Arms Rules' is correct? If the statement is correct, will the Government be pleased to state the reasons why the Europeans have again been exempted from the operation of the Arms Act?

Mr. S. P. O'Donnell: Government has issued no such notification. As the Honourable Member will see, if he refers to the rules under the Arms Act, it is very far from being the case that all Europeans are exempt.

REPORT ON SECOND ROWLATT BILL.

46. **Sheikh Abdul Majid:** Will the Government be pleased to lay on the table the Select Committee's Report on what is popularly called the second Rowlatt Bill?

Mr. S. P. O'Donnell: The Select Committee's report was presented to the Indian Legislative Council on 1st March 1919 by the Honourable Sir William Vincent.

APPOINTMENTS IN THE DELHI PROVINCE.

47. **Sheikh Abdul Majid:** Will the Government be pleased to state—

(*a*) If it is a fact that at the time of the creation of the new Province of Delhi, the Government of India had entered into a contract with the Punjab Government to take members of the Punjab Commission and the Punjab Provincial Civil Service for appointment in the Delhi Province for five years only?

(*b*) If the Government intends now to officer the Delhi Province with members of the Civil Service of any other Province?

Mr. S. P. O'Donnell: (*a*) The Government of India made no agreement of the kind suggested. It is true, however, that with the exception of the posts of Chief Commissioner and Deputy Commissioner in Delhi for which officers can be selected from any province, all posts in the Delhi Province are borne on the cadres of the Punjab Commission and of the Punjab Civil and Subordinate Services.

(*b*) Government see no reason to alter the existing practice, which, in view of the facts that Delhi was for a long time a part of the Punjab, that with the exception of a very small area, the revenue law in force is that of the Punjab, and that the province is subject to the jurisdiction of the Lahore High Court, appears to them to be the most suitable that could be devised.

SUGAR, GHEE AND WHEAT.

48. **Sheikh Abdul Majid:** Will the Government be pleased to state—

(*a*) the quantity of foreign sugar imported in India during the period commencing from 1st January 1920, to the 31st December 1920?

(*b*) the quantity of sugar produced in India during the aforesaid period?

(*c*) the quantity of ghee exported to Mesopotamia and other places during the above period?

(*d*) the total quantity of wheat produced in India during the above period and the quantity exported abroad?

Mr. C. A. Innes: (*a*) 313,721 tons.

(*b*) It is estimated that the cane-crop of this year was capable of producing 3,029,000 tons of raw sugar, but a considerable portion of the crop is used as seed or passes into consumption without extraction of the sugar.

(*c*) The total exports of ghee from India during the period 1st January to 31st December 1920 were 5,601 tons. Not more than 2,000 tons went to Mesopotamia.

(*d*) The total quantity of wheat produced in areas for which statistics are returned was 10,092,000 tons, but in addition there are areas for which no figures are available. The normal yield of these additional areas is estimated at 145,000 tons.

The exports of wheat during the 12 months ended December 1920 were 52,761 tons.

SUKKUR BARRAGE AND CANALS PROJECTS.

49. **Mr. E. L. Price:** Will Government be pleased to state at what stage of preparation the Sukkur Barrage Scheme now stands, and when the work may be expected to be begun?

Colonel Sir S. D'A. Crookshank: The Sukkur Barrage and Canals Project was forwarded to the Secretary of State for sanction on the 16th December 1920.

Once a project is sanctioned, the commencement of its construction is a matter which rests entirely with the Local Government concerned.

SUSPENSION OF CONSTRUCTION OF BROAD GAUGE RAILWAYS.

50. **Mr. E. L. Price:** Will Government be pleased to state why construction of the part already undertaken of the broad gauge Railway—Cawnpore-Gwalior-Gungapur-Beawar-Jodhpore-Hyderabad-Karachi—has been suspended and when the work will be resumed?

Colonel W. D. Waghorn: The only portion of the broad gauge connection referred to, for which a survey has been completed, is that between Hyderabad and Gangapur. The only section of this connection, on which any work had been commenced, was the conversion to the broad gauge of the length Mirpur Khas to Rahoki, but owing to the financial stringency, work on this section has had to be suspended. For the same reason the detailed survey for the section between Gangapur and Gwalior to Cawnpore could not be undertaken this season. It is hoped to undertake the construction of this connection as soon as suitable arrangements for financing the work have been arrived at.

MOVE OF WESTERN COMMAND HEADQUARTERS.

51. **Mr. E. L. Price:** Will Government be pleased to state whether it is a fact (as stated in the *Daily Gazette*, Karachi, in its issues of the 6th

November 1920, and 7th January 1921), that the Headquarters of the Western Command will migrate from Karachi to Ziarat every hot weather, and, if so,—

(*a*) the reason for such proposed migration,

(*b*) the capital cost of the double Headquarters buildings, etc., involved,

(*c*) the annual cost of the move, and

(*d*) the items of the Budget which will cover expenditure under (*b*) and (*c*) ?

Sir Godfrey Fell : The answer is in the negative.

The questions contained in clauses (*a*) to (*d*) do not, therefore, arise.

Mr. E. L. Price : May I ask the Supplementary question, Sir, that if this information, published in this way, is false, why Government did not take an earlier opportunity to repudiate the calumny ?

Sir Godfrey Fell : I think the Government would have its hands pretty full if it were to repudiate every calumny that appeared in the press.

FINE IMPOSED ON THE EDITOR OF THE 'TRIBUNE.'

52. **Mr. Muhammad Faiyaz Khan :** Has the attention of the Government been drawn to the news published in the *Bandey Mataram* (Lahore), dated 8th January, 1921, page 3, column 3, regarding the fine imposed on the Editor of the *Tribune*, and will the Government be pleased to state if the said fine has been remitted ?

Mr. S. P. O'Donnell : The fine has been remitted.

IMPRISONMENT OF SEPOY GOLAM MUHAMMAD.

53. **Mr. Muhammad Faiyaz Khan :** Will the Government be pleased to state if the following facts published in the *Zamindar* of 12th January 1921, page 3, columns 1 and 2, are true :—

(*a*) that a private named Golam Muhammad (in 120 Baluchis) tendered his resignation on religious grounds,

(*b*) that for this reason he was imprisoned,

(*c*) that his brother was shot dead and that his (brother's) dead body was not buried for three days ?

Sir Godfrey Fell : From enquiries made from the unit concerned, it appears that Sepoy Golam Muhammad belonged to the 119th and not to the 120th Infantry, to which latter unit he was merely attached on field service in Persia. He deserted the service from the 119th in 1918 and was tried by Court Martial and sentenced to rigorous imprisonment for one year for this offence. The sentence was, however, suspended by order of the General Officer Commanding. He was then transferred to the 120th Infantry in December 1918 and proceeded with them on field service. He was granted 3 months' leave in 1920 from which he failed to return. He was declared to be a deserter and has now been arrested by the Police at Bulandshahr and will be brought to trial in due course for this second offence.

According to his own statement, which is recorded on his sheet roll, he had two brothers, aged fifteen and twelve, respectively.

The statements published in the *Zamindar* of the 12th January 1921 that (*a*) he tendered his resignation on religious grounds, (*b*) that for this reason he was imprisoned, and (*c*) that his brother was shot dead and that his brother's dead body was not buried for three days, have, therefore, no foundation in fact.

AHMED REZA KHAN'S FATWAS ON NON-CO-OPERATION.

54. **Mr. Muhammad Faiyaz Khan**: Will the Government be pleased to state if the Fatwahs and pamphlets, etc., bearing on the Non-co-operation and Khilafat movement issued on behalf or under the authority or with the approval of Ahmed Reza Khan of Bareilly or his son, are issued at the instance, direct or indirect, of the United Provinces Government or the Government of India?

Is it or is it not a fact that the said person is being helped financially by the British Government or the Government of an Indian State?

Mr. S. P. O'Donnell: So far as the Government of India are concerned, the answer is in the negative. As regards the United Provinces Government, the Honourable Member should address his inquiry to that Government.

(2) He is receiving no financial assistance from the Government of India.

EXPORT DUTY ON FOOD-GRAINS.

55. **Rai J. N. Majumdar Bahadur**: Do the Government propose to take into consideration the desirability of levying an export duty on all food-grains, and of spending the same for the encouragement of sanitation and agricultural education among the masses?

Mr. J. Hullah: The answer is in the negative. Government have no such proposal under consideration.

CONGRESS OF UNIVERSITIES OF THE BRITISH EMPIRE.

56. **Mir Asad Ali Khan Bahadur**: (*a*) How many British Indian Universities will be represented at the ensuing Empire Universities' Congress at Oxford?

(*b*) Are the Hindu University of Benares and the Muslim University of Aligarh to be also represented?

(*c*) Have the Mysore University and the Osmania University of Hyderabad expressed any desire to be represented? If not, do Government propose to ask them if they desire to send any representation to the Congress?

Mr. H. Sharp: (*a*) The Government of India have no information.

(*b*) The Government of India have no certain information. They think it probable, however, that an invitation either has been or will be sent to the Benares Hindu University; and the Universities Bureau of the British Empire has under consideration the question of inviting the Aligarh Muslim University.

(*c*) The Government of India have seen no representation from the University of Mysore. But it is understood that that University either has received or will receive an invitation. A letter has been received from an official of His Exalted Highness the Nizam's Government suggesting that an

invitation should be issued to the University of Hyderabad. The Government of India propose to make known this request to the Universities Bureau of the British Empire and to support it.

LOANS, ATTACHMENTS, ETC., OF OFFICERS AND OTHER RANKS.

57. **Sir P. S. Sivaswamy Aiyer:** Will the Government be pleased to publish the proposals of the Chief of the Imperial General Staff dated the 15th November, 1919, on the subject of loans, attachments and interchanges of the officers and other ranks?

Sir Godfrey Fell: The Government of India are not at liberty to publish this document, which is the property of the War Office.

SELF-GOVERNING DOMINIONS AND INDIAN UNREST.

58. **Sir P. S. Sivaswamy Aiyer:** Will the Government be pleased to state whether to their knowledge the Self-Governing Dominions of the Empire have been called upon to make any definite pecuniary or military contribution towards the solution of the conditions of unrest in the near and middle East?

Sir Godfrey Fell: The Government of India have no information on the subject.

EXPORT OF RICE TO FOREIGN COUNTRIES.

59. **Sir P. S. Sivaswamy Aiyer:** (*a*) Will the Government be pleased to state what the prospects of the rice crops in India generally are?

(*b*) Do the Government intend to permit or prohibit the export of rice from India to other countries?

(*c*) If the Government intend to prohibit the export of rice to foreign countries wholly or in part, will they be pleased to state their reasons for the prohibition?

Mr. J. Hullah: (*a*) The Government of India believe that the recent rice crop has been good or fair in the chief rice producing provinces, but poor elsewhere. In the area for which estimates of outturn have been received, it is expected that the outturn of the crop will be nearly three million tons smaller than that of last year, representing a fall of 12½ per cent. but estimates have not yet been received from the United Provinces and from Madras.

(*b*) The embargo on export from India proper, which has been in force since 1918, is being for the present maintained and only small allotments for export have been made this quarter from Karachi and Madras. The Government of India have no present intention of relaxing materially the existing restrictions on export.

(*c*) Government, as at present advised, consider that it is necessary to restrict exports in order to conserve the supplies required for internal consumption. The early cessation of the monsoon and the complete failure of the early winter rains have affected the prospects of rabi crops and famine

or scarcity conditions have been already proclaimed in some parts of the country.

RETIRING ROOMS OF RAILWAY COMPANIES.

60. **Mr. M. K. Reddiyar:** Do the Government propose to advise the various Railway Companies in India to throw open their retiring rooms to all travellers irrespective of race, colour or caste?

Colonel W. D. Waghorn: I would refer Mr. Reddiyar to the reply given to a similar question asked by the Honourable Mr. Sachchidananda Sinha at the meeting of the Imperial Legislative Council held on the 2nd September 1920, and would add that the matter has been brought to the notice of the railways concerned and is receiving their attention.

EXECUTIVE COUNCIL IN BIHAR AND ORISSA.

61. **Khan Bahadur Saiyid Muhammad Ismail:** (*a*) Will the Government be pleased to state the reason why three Members of the Executive Council have been appointed in the Province of Bihar and Orissa, when two Members have been appointed in the United Provinces and the Punjab?

(*b*) Will the Government be pleased to state from whom this proposal originated?

(*c*) Will the Government be pleased to lay on the table the correspondence, if any, that has passed between them and the Bihar and Orissa Government on the subject?

Mr. S. P. O'Donnell: (*a*) I would refer the Honourable Member to the answer given to the question asked by Khan Bahadur Sarfaraz Husain.

(*b*) It is not usual to publish the source of the recommendations made to the King by his confidential advisers.

(*c*) The answer is in the negative.

BOARDS OF REVENUE IN BENGAL AND BIHAR AND ORISSA.

62. **Khan Bahadur Saiyid Muhammad Ismail:** (*a*) Will the Government be pleased to explain the reasons for the retention of the Boards of Revenue in the Provinces of Bengal and Bihar and Orissa?

(*b*) Will the Government be pleased to lay on the table a statement showing the annual expenditure of the cost of establishment of the Boards of Revenue in the Provinces of Bengal and Bihar and Orissa sanctioned for the year 1920-21 excluding the pay of the Members and the Secretary.

Mr. S. P. O'Donnell: (*a*) The question of the retention or abolition of the Boards of Revenue in Bengal and Bihar and Orissa was considered in connection with the first establishment of Executive Councils in those provinces. It was then decided to retain the Boards of Revenue, but to reduce the number of the Members from two to one. The alternatives of making the revenue jurisdiction of a Commissioner final or transferring appeals to the Executive Council were rejected, the first, because it was clearly undesirable that there should be a large number of revenue courts all exercising final appellate jurisdiction; and the second, because it was considered inappropriate that a Member of the Government should sit as an appellate court hearing counsel. The question was again considered last year in connection with the introduction of the Reforms Scheme, and it has been decided

that the Boards of Revenue should be retained, for the present at any rate, partly for the reasons mentioned above, and partly because any change would involve legislation and it is not desirable that such legislation should be introduced until experience has been gained of the working of the reformed Government and the new legislative councils have had an opportunity of expressing their views.

(*b*) The expenditure sanctioned in the budget for 1920-21 was—

	Rs.
Bengal	69,186
Bihar and Orissa	52,630

PROVINCIAL HAJ COMMITTEES.

63. **Khan Bahadur Saiyid Muhammad Ismail:** (*a*) Will the Government be pleased to state in which Provinces a Provincial Haj Committee has been constituted similar to one that exists in the Province of Bihar and Orissa and what are its objects and functions?

(*b*) Will the Government be pleased to lay on the table a list of the members of the Provincial Haj Committee in each Province of India other than the Province of Bihar and Orissa?

(*c*) Will the Government be pleased to state what amount of contribution each Provincial Government is making to the Provincial Haj Committee and how it is utilized?

Mr. H. Sharp: A statement, containing the information asked for, is laid on the table.

STATEMENT REGARDING PROVINCIAL HAJ COMMITTEES.

(*a*)

THE CONSTITUTION OF THE PROVINCIAL HAJ COMMITTEES WITH THEIR OBJECTS AND FUNCTIONS.

Provincial Haj Committees have been constituted in four provinces other than Bihar and Orissa, *viz.*, Bombay, Bengal, the North-West Frontier Province and Delhi.

The Bombay Haj Committee is constituted to superintend arrangements for the reception and despatch of pilgrims from Bombay and the repatriation of those who are stranded at Jeddah. It also gives general assistance to pilgrims.

There is also a Haj Committee in Karachi, which is one of the two ports of embarkation in India for pilgrims to the Hedjaz. This Committee assists the Protector of Pilgrims, helps in the embarkation of pilgrims and in the repatriation from Karachi of indigent pilgrims returning from the Haj.

The Bengal Haj Committee is a Bureau of Information regarding the Haj traffic. The Secretary to the Committee interviews pilgrims passing through Calcutta and staying at the local *Musafirkhanas* and gives them information in connection with the pilgrimage. The Committee looks after the organisation and control of the pilgrim traffic, is in touch with the Bombay Haj Committee and keeps it informed of the number and dates of departure of pilgrims from Bengal. It also corresponds with the District Committees

regarding the pilgrim traffic, raises local subscriptions in order to bear the cost of repatriating indigent pilgrims and looks after the general welfare of pilgrims proceeding to the Hedjaz.

The Haj Committee in the North-West Frontier Province has been formed with the object of obtaining information through the Bombay Haj Committee regarding accommodation on steamers, dates of sailing and rates of fares. It also arranges for the communication of such information generally to intending pilgrims and for the repatriation of indigent pilgrims.

The object and functions of the Delhi Haj Committee are that it is a bureau at which information is obtainable by intending pilgrims, of the sailings of pilgrim vessels, the rates of fares, the arrangements for accommodation at Bombay, etc. It is the special business of the Committee to keep in touch with the Authorities in Bombay who supply information of interest to the Committee.

(*b*)

THE NAMES OF MEMBERS OF THE PROVINCIAL HAJ COMMITTEE IN PROVINCES OTHER THAN BIHAR AND ORISSA.

Bombay Haj Committee.

1. The Commissioner of Police, Bombay (*ex-officio* President).
2. Mr. Mahomedbhai Currimbhai Ebrahim, J.P.
3. Sardar Saheb Sulleman Haji Kasam Mitha, C.I.E., J.P.
4. Haji Yusuf Haji Ismail Subhani, J.P.
5. Khan Saheb Haji Ebrahim Haji Sumar Patel, J.P.
6. Mr. Nur Muhammad Haji Dada, J.P.
7. Haji Suleman Abdul Wahed, J.P.
8. Mr. Abdul Kadar Khatkhatay, B.A., LL.B., J.P.
9. Mirza Mahomed Shirazi, J.P.
10. Kazi Kabir-ud-din, Bar.-at-Law, J.P.
11. Khan Bahadur Hakim Mahomed Dayam, J.P.
12. Mia Mahomed Haji Jan Mahomed Chotani.
13. Khan Bahadur Abdul Rehman Kadwani, J.P.
14. The Deputy Commissioner of Police in charge of the Pilgrim Department, Bombay (*ex-officio* member and Secretary).

Karachi Haj Committee.

1. Mr. Usman Salih Muhammad (Chairman).
2. Kazi Abdul Aziz Nur Muhammad.
3. Khan Bahadur S. G. Haji.
4. Fakir Muhammad Durakhan.
5. Haji Mir Muhammad Baloach.

6. Haji Muhammad Ishaq.
7. Haji Muhammad Ghulam Hasan.
8. Haji Abdush Shakur Haji Abdul Kadir.
9. Haji Abdul Ghani Abdul Hakim.
10. Haji Ramzan Hashim.
11. Haji Dada Adam Sumar.

Bengal Haj Committee.

1. The Commissioner of Police, Calcutta (*ex-officio* President).
2. The Honourable Nawab Sir Syed Shamsul Huda, K.C.I.E.
3. Mr. Abdur Rahim.
4. Mr. Aminur Rahman.
5. Nawab A. F. M. Abdur Rahaman.
6. Shamsul Ulma Maulvi Hedayet Hossain.
7. Haji Muhammad Zakaria.
8. Haji Muhammad Ismail.
9. Mr. Ismail Ibrahim Salebji.
10. Khan Bahadur Abu Nasr Muhammad Ali.

North-West Frontier Province Haj Committee.

1. Khan Sahib Mirza Ghulam Samdani (President).
2. Nawab Khan Bahadur Arab Dost Muhammad Khan.
3. Khan Bahadur Arab Mir Ahmad Khan.
4. Khan Bahadur Muhammad Sarfaraz Khan.
5. Khan Bahadur Ghulam Haider Khan of Tangi.
6. Khan Saheb Said Jalal Mian.

Delhi Haj Committee.

1. Hakim Mohammad Ajmal Khan.
2. K. S. H. Baksh Elahi, C.I.E.
3. Syed Ahmad Imam.
4. Haji Mohammad Ishaq.
5. Haji Mohammad Abdul Ghafur.
6. Maulvi Mohammad Ibrahim.
7. Maulvi Abul Hasan.
8. Sayed Mohammad Mir.
9. Maulvi Zamir Mirza.

(c)

The amount of contributions made by each Provincial Government to the Provincial Haj Committee in its province and the purposes for which the contribution is utilised.

Provincial Government.	Amount of contribution.	Purposes for which the contribution is utilised.
The Government of Bombay .	Rs. 1,375 a year to the Bombay Haj Committee.	Pay of the Committee's clerk Rs. 95—3—110 per month. Office expenditure Rs. 100 a year.
The Government of Bengal .	*Nil.*	.....
The Government of Bihar and Orissa.	Rs. 2,000 a year . .	Travelling allowances to members of the Committee.
The Chief Commissioner, North-West Frontier Province	*Nil.*	.....
The Chief Commissioner, Delhi.	Rs. 150 a year . .	Temporary entertainment of a clerk and printing of notices.

PILGRIMAGE TO ARABIA AND MESOPOTAMIA.

64. **Khan Bahadur Saiyid Muhammad Ismail:** Will the Government be pleased to give the reasons for the restrictions that are now imposed on pilgrims proceeding to Arabia and to Mesopotamia with a statement showing the existing conditions in those countries as affecting pilgrimage from India?

Mr. H. Sharp: So far as the Government of India are aware, no restrictions are imposed on pilgrims proceeding to Arabia and to Mesopotamia. Pilgrimage conditions in both countries are normal. It is common knowledge that there were widespread disturbances in Mesopotamia during the last summer and autumn. But an official announcement made in London on January 27th, 1921, stated that conditions in Mesopotamia have greatly improved and that nearly the whole country is now quiescent, and the High Commissioner in Mesopotamia recently informed the Government of India that the pilgrimage to the Holy Places in Mesopotamia is open.

SLAUGHTER OF COWS.

65. **Beohar Raghubir Sinha:** Will the Government be pleased to lay on the table a statement showing, province by province, the number of cows and oxen killed during the last 10 years for food purposes?

Mr. J. Hullah: The necessary data for giving this information are not in possession of Government nor could they be obtained. Even if it were possible to collect figures for the past ten years for some Municipal areas, it would obviously be impossible to obtain any figures for rural areas.

Posts created over Rs. 500.

66. **Mr. Manmohandas Ramji:** Will the Government be pleased to place on the table a statement giving :—

(*a*) the number of new posts of over Rs. 500 per month created since the Armistice ?

(*b*) the Departments to which they are charged ?

(*c*) the nationalities and qualifications of the persons appointed to these posts ?

Mr. S. P. O'Donnell: A statement, giving the information desired by the Honourable Member, is placed on the table.

Statement showing the posts under the Government of India on over Rs. 500 per mensem created permanently since the Armistice.

Department.	Posts on over Rs. 500 per mensem created permanently since the Armistice.		Nationality of the person appointed to the post.	Qualifications of the person appointed to the post.	Department to which the post is charged.
	No.	Designation.			
Home	1	Inspector of Office Procedure.	European	Was Inspector of Judicial offices in Bengal for several years prior to appointment.	Home Department.
Legislative	1	Solicitor	European	.....	Legislative Department.
	1	Assistant Solicitor	European	.....	
	1	Joint Secretary	European	.....	
	1	Additional Deputy Secretary.	European	.....	
	2	Superintendents	1 European	.....	
			1 Indian	.....	
Revenue and Agriculture.	1	Supernumerary Mycologist.	Indian	M. Sc. Held post of 1st Assistant to Imperial Mycologist prior to appointment.	Imperial Agriculture Department.
	1	Assistant Bacteriologist.	Vacant	.....	
	1	Imperial Dairy Expert.	European	Qualified to control cattle breeding farms and dairy operations and to supervise dairy instruction. Held post of Assistant Director, Dairy Farms, prior to appointment.	
	1	Physiological Chemist.	Vacant	.....	
	1	Assistant Bacteriologist (cattle breeding).	Vacant	.....	

Statement showing the posts under the Government of India on over Rs. 500 per mensem created permanently since the Armistice - contd.

Department.	Posts on over Rs. 500 per mensem created permanently since the Armistice.		Nationality of the person appointed to the post.	Qualifications of the person appointed to the post.	Department to which the post is charged.
	No.	Designation.			
Revenue and Agriculture—*contd.*	1	Veterinary Officer, Muktesar Laboratory.	European .	Holds diploma of the Royal College of Veterinary Surgeons.	Civil Veterinary Department.
	1	Exploitation Officer, North Andamans Forest Division.	European .	Qualified Overseer, Public Works Department.	Imperial Forest Department.
Board of Industries and Munitions.	2	Assistant Controllers, Patents and Designs.	Both Indians .	One is a Chemistry graduate of an Indian University and the other is a graduate from an Engineering College.	Department of Patents and Designs.
	1	Assistant Metallurgical Inspector.	Vacant . .	....	Metallurgical Department.
	3	Superintendents, Geological Survey of India.	European .	Filled by promotions from the ranks of Assistant Superintendents.	Geological Survey of India.
	7	Assistant Superintendents, Geological Survey of India.	All vacant .	....	Ditto.
	2	Junior Inspectors of Mines.	One held by a British Officer. Second appointment is vacant.	Details of the qualifications of the present incumbent who was recruited by the Secretary of State are not available. A first class certificate of competency under the English Coal Mines Regulations Act is required as a necessary qualification.	Department of Mines in India.
	1	Assistant Superintendent, Government Central Branch Press, Simla.	Anglo-Indian .	Filled by Departmental promotion.	Printing and Stationery.
Education .	1	Superintendent, Archæological Survey, Central Circle.	Indian . .	M. A., promoted from an Assistant Superintendentship.	Archæological Department.
	1	Director of Medical Research.	Vacant . .	...	Education Department.
	1	Epidemiological Statistician.	Vacant . .	...	

Statement showing the posts under the Government of India on over Rs. 500 per mensem created permanently since the Armistice—contd.

Department.	Posts on over Rs 500 per mensem created permanently since the Armistice.		Nationality of the person appointed to the post.	Qualifications of the person appointed to the post.	Department to which the post is charged.
	No.	Designation.			
Railway (Railway Board).	1	Joint Secretary	European	Filled by a Senior Officer of the Indian Audit Department who previously held the appointment of Assistant Secretary, Finance, in the Board's office.	Railway Department.
	1	Superintendent	Indian	Qualified subordinate promoted.	Railway Department.
Foreign and Political Department.	1	Adviser to the Government of India on Far Eastern Questions.	European	The Officer selected is a first class interpreter in Chinese and Japanese and possesses an intimate knowledge of Far Eastern Affairs.	Foreign and Political Department.
Finance Department.	6	Assistant Accounts Officers.	3 Indians 2 Anglo-Indians 1 post vacant	4 members of Sub-Accounts Service. 1 2nd grade Accountant.	Finance Department.
	1	Instructor in Public Works Accounts.	Vacant	...	
	1	Deputy Controller of Currency, Bombay.	European	Officer of the General List of the Indian Audit Department.	
	1	Deputy Controller of Currency, Calcutta.	European	Ditto.	
	1	Deputy Controller of Currency, Northern India.	Vacant	...	
	1	Head Engraver, Bombay Mint.	Vacant	...	
	1	Melting Superintendent, Bombay Mint.	European	Mechanical Engineer.	
	1	Engineer, Bombay Mint.	European	Ditto.	
Public Works Department.	*Nil.*	*Nil.*	*Nil.*	*Nil.*	*Nil.*
Financial Adviser, Military Finance.	*Nil.*	*Nil.*	*Nil.*	*Nil.*	*Nil.*

Statement showing the posts under the Government of India on over Rs. 500 per mensem created permanently since the Armistice—concld.

Department.	Posts on over Rs. 500 per mensem created permanently since the Armistice.		Nationality of the person appointed to the post.	Qualifications of the person appointed to the post.	Department to which the post is charged.
	No.	Designation.			
Commerce .	1	Director, Wireless Telegraphy.	European .	Experts in Wireless Telegraphy.	Posts and Telegraphs Department.
	1	Wireless Research Officer.	Do. .		
	1	Wireless Traffic Manager.	Do. .		
	1	Wireless Instructor	Do. .		
	1	Assistant Instructor	Do. .		
	1	Wireless Divisional Engineer.	Do. .		
	9	Superior Traffic Officers, 2nd Division.	Anglo-Indians and domiciled European.	Senior qualified officers in next lower grade except one case in which an official was selected on account of his varied qualifications and power of physical endurance.	
	4	Deputy Superintendents (Traffic), 1st class.	Anglo-Indian and domiciled European.	Senior qualified officer in next lower grade.	
	3	Deputy Postmasters-General.	2 Indians .	Senior fit officers in grade of Superintendents of Post Offices.	
			1 European.		
	12	Superintendents of Post Offices.	9 Indians .	8 Indians. Probationary Superintendents.	
			2 Domiciled Europeans.	5 Indians. Qualified Departmental subordinates.	
			1 European.	1 Indian received training in Post Office work while in the Army.	
				Both domiciled Europeans are qualified Departmental subordinates. The European officer received training in Post Office work while in the Army.	
Army.	1	Superintendent, Kashmir Motor Mail Service. (See note appended).	European .	Office of Army Service Corps (Mechanical Transport).	

'With regard to the Army, our military services are at present undergoing a process of reorganization, and, in actual fact, practically all the existing appointments are at present on a provisional basis. At the point which the scheme for reorganization has so far reached, it can only be said that it is proposed to reduce a large number of regimental appointments, while, on the other hand, it will probably be necessary to create permanently certain new appointments, in order to admit of the improvement of the staff and departmental organization and to provide for certain new services, such as the Royal Air Force and Mechanical Transport. Appointments carrying rates of pay in excess of Rs. 500 on the military side are, apart from appointments on the clerical establishments, almost invariably filled by officers holding King's Commissions, the main qualification for which is that the candidate must be a British subject and must have passed successfully through Sandhurst or Woolwich. Arrangements have been made, since the date of the Armistice, to give a certain number of King's Commissions to Indian gentlemen.

As regards the higher military clerical appointments, a number of these are held by Indians, who have precisely the same opportunities for advancement as Europeans. The present intention is to make the clerical establishments at Army Headquarters civilian in status and to throw open appointments, as far as possible, to Indians who are qualified under the rules governing recruitment for the Secretariat offices of the Government of India'.

INDIAN EXCHANGE.

67. **Mr. Manmohandas Ramji**: (*a*) What have been the highest and lowest points between which the Indian exchange has fluctuated during the year 1920, and what were the dates on which these points were reached?

(*b*) Has it been found possible to maintain and support the rate of 2*s*. fixed by the Government?

(*c*) What steps, if any, are proposed to be taken by the Government to maintain and support the rate of 2*s*. fixed by them.

(*d*) If it is not possible to maintain and support the rate of 2*s*. fixed by the Government, will they be prepared to reconsider the recommendations of the Majority Report of the Committee on which the recommendations of the Government of India were based?

The Honourable Mr. W. M. Hailey:

(*a*) Highest rate	2*s*. 10$\frac{1}{16}$*d*. Calcutta on 11th February 1920.
Lowest rate	1*s*. 4$\frac{1}{2}$*d*. Calcutta and Bombay several days in December 1920.

(*b*), (*c*) and (*d*). I may refer the Honourable Member to the answer which I shall shortly be giving to Mr. Garu in a similar question.

SLAUGHTER OF CATTLE.

68. **Mr. Manmohandas Ramji**: Will the Government be pleased to state:—

(*a*) The number of slaughter-houses in British India maintained by municipalities, military authorities, private or other agencies, and where they are located?

(*b*) The total number of cattle (classified, if possible, into cows and buffaloes and calves of these) slaughtered at these slaughter-houses during the last quinquennium ?

(*c*) The total quantity of beef required by the military authorities every year ?

(*d*) How far this demand is met by slaughter of indigenous cattle and how far by import from outside ?

(*e*) Whether it is possible to increase imports of frozen meat to such an extent as to replace the slaughter of indigenous cattle ?

(*f*) What restrictions, if any, as to age, etc., are imposed in the case of different slaughter-houses regarding the slaughter of cattle ?

Mr. J. Hullah: Full information is not available, but is being collected as far as possible. As regards the Army in India, the information is as follows :—

(*a*) There are 85 slaughter-houses in India besides a varying but small number of field slaughteries trans-Indus, *i.e.*, one at every station where British troops are rationed and besides these, sheep and goats are slaughtered at a large number of special and small locally arranged slaughter-houses wherever Indian troops require them. In a few large centres municipal slaughter-houses are used by Army Contractors, *e.g.*, at Bombay.

(*b*) No statistics exist showing the number slaughtered in the last 5 years, nor is it possible to classify these except to say that no buffaloes or buffalo calves are used for ration purposes. Vicious bulls and bullocks and sterile cows form a large proportion of the cattle used for ration purposes. Fertile cows and useful draught and plough animals are too valuable for milk and draugh purposes to be sold at the low prices paid under competitive conditions.

(*c*) The quantity required annually approximates to 7,752 tons of fresh beef.

(*d*) All requirements are met by the use of indigenous cattle, except that the mobilization reserve and any surplus of tinned meat likely to deteriorate, if kept in stock, is turned over by occasional issues as necessary to British troops instead of fresh meat. No imported meat is used as rations. For hospitals, imported concentrates are issued, such as essence of beef.

(*e*) It is not possible to import frozen meat without heavy expenditure in oversea countries and on ship and rail freight charges and on numerous specially built refrigerator vans and cold storage, all of which would require the employment of highly paid experts to erect and maintain them. Fresh meat in India is obtainable at the cheapest prices known ; importations of meat would involve heavy unnecessary expenditure abroad.

(*f*) No restrictions are imposed.

PROCEDURE REGARDING QUESTIONS.

The Honourable the President: The hour of questions having come to an end, before we proceed to the next item of business, I should like to draw the attention of Members to the fact that there are 260 questions on the order paper to-day and that we are now, at the end of one hour, at Question 68. No doubt this is due partly to the position in which we are at the beginning of the Session, with a large accumulation of business awaiting handling by the Assembly. If, as time goes on, however, the number of questions remains as great as it is at present, the Assembly will have to find means for dealing with them. I would remind them that the House of Commons has found it necessary to lay down the rule, first of all, that questions remaining unanswered at the end of any given sitting shall be answered not orally but by printed answers circulated with the votes the following morning. Secondly, a further restriction has been placed by the House of Commons on the asking and answering of questions by the imposition of a limit of eight questions, which number, and no more, shall be asked by any one Member at any given sitting. I am only giving this for the information of the Assembly to show that, in order to protect the business of the Assembly and in order that questions may be answered and may not be crowded out by the business of the Assembly, we may be compelled to issue some such rules as these for our own use. No rules will be introduced as yet, until we see how business proceeds. Meanwhile, Members might bear this in mind.

12 P. M.

Rao Bahadur T. Rangachariar: May I say for your information that in the local Council in Madras we have an interval of half an hour before the meeting commences, printed answers are laid on the table and if anybody has any supplementary question to ask, he writes it down and asks the question. That saves time. Perhaps that may be a convenient method to adopt.

The Honourable the President: I can assure the Honourable Member that all means of procedure will be duly considered before any procedure is adopted under the powers conferred upon the Chair by the Rules and the Standing Orders.

I have a Message from His Excellency :

The Message was received by the Assembly, standing.

ESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

ORDER.

For the purposes of sub-section (1) of section 67A. of the Government of India Act and in pursuance of Rules 43, 46 and 47 of the Indian Legislative Rules, I, Frederic John Napier, Baron Chelmsford, hereby appoint the following days for the presentation to the Legislative Assembly of the statement of the estimated annual expenditure and revenue of the Governor General in Council (in the said Rules referred to as the Budget) and for

the subsequent stages of the said Budget in the Legislative Assembly, namely:—

Tuesday, the 1st March	*Presentation of Budget.*
Monday, the 7th *Tuesday, the 8th*	*General discussion.*
Wednesday, the 9th *Thursday, the 10th* *Friday, the 11th* *Monday, the 14th* *Tuesday, the 15th* *Wednesday, the 16th*	*Voting on demands for grants.*

(Sd.) CHELMSFORD,
Governor General.

I have to announce that under the powers conferred on the President, by rule 3 of the Indian Legislative Rules, I hereby appoint Sir Deva Prasad Sarbadhikari, Sir Jamsetjee Jeejeebhoy, Sir Logie Pirie Watson, and Chaudhuri Shahab-ud-Din as a panel of Chairmen for this Assembly.

I think the Assembly would be gratified if the Leader of the House would give any information regarding the Legislative business for Saturday, the 19th February.

The Honourable Mr. Hailey: Sir, we propose on the 19th February to introduce a Bill further to amend the Indian Penal Code, 1860: (2) a Bill further to amend the Indian Limitation Act, 1908: (3) a Bill to amend the Indigo Cess Act, 1918: and (4) a Bill further to amend the Import and Export of Goods Act, 1916. We also propose, Sir, to take into consideration the Bill to amend the Indian Tea Cess Act, 1903. And it is further proposed that the Honourable Sir Thomas Holland shall move 7 Resolutions regarding the International Labour Convention.

LEGISLATIVE ASSEMBLY (DEPUTY PRESIDENT'S SALARY) BILL.

The Honourable Dr. T. B. Sapru: Sir, I beg leave to introduce a Bill determining the salary of the Deputy President of the Legislative Assembly. Sir, I do not think that it is necessary for me to make a long speech in support of this Bill. But I will beg leave to invite the attention of the House to certain provisions of the Government of India Act which will show the necessity for this Bill. Under section 63C., clause (2), it is provided that 'there shall be a Deputy President of the Legislative Assembly who shall preside at meetings of the Assembly in the absence of the President and who shall be a Member of the Assembly, elected by the Assembly, and approved by the Governor General.' Clause (5) of the same section says: 'A President and Deputy President shall receive such salaries as may be determined, in the case of an appointed President by the Governor General, and in the case of an elected President and a Deputy President by an Act of the Indian Legislature.' As will appear to Honourable Members from the Statement of Objects and Reasons, this Bill is laid before the House with a view to provide for the salary of the Deputy President who was elected by this House at its first sitting. The Bill consists of three sections only, and I would

particularly invite the attention of the House to clauses 2 and 3. Clause 2 says: 'There shall be paid to the Deputy President of the Legislative Assembly, in respect of any period during which he is engaged on work connected with the business of the said Assembly, a salary calculated at the rate of one thousand rupees *per mensem*.' Here, I may, on behalf of the Government, say that, while the Government think that the figure mentioned by them in this clause is a fair and reasonable one, they do not feel themselves wedded to this figure and they would leave this matter entirely in the hands of the Assembly.

So far as clause 3 of this Bill is concerned, it is intended to meet certain difficulties which may possibly arise in determining the period during which the Deputy President has been working in connection with the Legislative Assembly. This is the only object of this Bill and I do not think that I shall be justified in taking the time of the House any longer, and there I will leave the motion.

Mr. T. V. Seshagiri Aiyar: I wish to say a few words, Sir.

The Honourable the President: Does the Member resist the introduction of the Bill?

Mr. T. V. Seshagiri Aiyar: I do not wish to resist the introduction of the Bill.

The motion was carried unanimously.

The Honourable Dr. T. B. Sapru: I introduce the Bill, Sir.

INDIAN TEA CESS (AMENDMENT) BILL.

The Honourable Sir Thomas Holland: As this Bill appears to be of an entirely non-controversial character, I will not waste the time of the Assembly by a detailed discussion of the measure, which is fully explained in the Statement of Objects and Reasons.

The proposal for an enhancement of the cess was first made by the Tea Cess Committee in January 1920, who were asked to furnish Government with the expressed approval of the various interests concerned in the tea trade. The Committee reported in September that no opposition had been offered, and that Indian as well as European planters were in favour of the proposed increase in the statutory maximum. Government published the proposal on the 29th September last and invited criticisms. Only three objections have been received.

The Karachi Indian Merchants' Association considered that the work of the Committee ought to be carried on at the expense of the planters and dealers, not at the cost of the consumers. But all items in the cost of marketing, including advertisement, necessarily fall ultimately on the consumer; and the Association has forgotten that the cess is charged only on tea exported: it is the foreign consumer consequently who pays. If the cess were collected from the planters and dealers, as the Association proposes, the Indian consumer would be compelled to share the cost with the foreigner.

[Sir Thomas Holland.]

The Marwari Chamber of Commerce at Calcutta thinks that the propaganda work will teach the poor people another luxury which will bring misery in its trail. Some of us think that some poor people are entitled to a few more harmless luxuries, and this one seems almost as harmless as the spinning wheel. On the other hand, there are many who, like Indian Temperance Organisations, consider that the establishment of tea and coffee shops would be useful to save poor people from the temptations of the liquor-shops. It has certainly had this effect in England.

One planter only has objected, and he thinks that the money should be obtained by charge on the dividends of the most successful companies. But it is our business to give effect to the wishes of the majority, and in this case there is no doubt whatever that the measure proposed has the support of the industry as a whole.

I have, therefore, no hesitation in recommending this Bill for favourable consideration by the Assembly: it involves no new policy, but merely legalises the extension of a practice already found to be useful.

Mr. J. Chaudhuri: Sir, with regard to the introduction of this Bill, it has been represented to me by some Indian owners of tea gardens that it be postponed for the present until the Russian market is opened and the trade treaty between Russia and England is concluded. The reason is that the Indian gardens are suffering very badly, and that at the present moment they are all running at a loss. Therefore, the view of the small Indian garden owners is that the introduction of this Bill should be postponed until the trade treaty with Russia is concluded.

12-15 P.M.

The Honourable the President: Does the Member resist the introduction of the Bill?

Mr. J. Chaudhuri: I say that it should be postponed for the present until the Russian market is reopened. That is my idea.

The Honourable the President: Is it the intention of the Member to divide the House against the introduction of the Bill?

Mr. J. Chaudhuri: I want it to be postponed for the present.

The motion was put and agreed to.

The Honourable Sir Thomas Holland: I introduce the Bill.

Srijut Debi Charan Barua: I wish to make a few observations on this Bill.

The Honourable the President: You are a moment too late. You will have an opportunity at a further stage, when this Bill comes up for further consideration.

Srijut Debi Charan Barua: I am not going to oppose the introduction of this Bill. But, as regards certain points . . . .

The Honourable the President: The Honourable Member should not remain on his feet while the President is standing. The Bill has been introduced and it is too late now to resist its introduction. But the Honourable Member will have ample opportunity at a further stage to express his opinion regarding the measure.

RESOLUTION REGARDING MARTIAL LAW ADMINISTRATION IN THE PUNJAB IN 1919.

Mr. Jamnadas Dwarkadas: Sir, I rise to move the Resolution which stands in my name on the agenda paper. It runs thus:

12-18 P. M.

'This Assembly recommends to the Governor General in Council—

(1) to declare the firm resolve of the Government of India to maintain that the connection of India with the British Empire is based on the principle of equal partnership and perfect racial equality, Indian lives and Indian honour being held as sacred as British lives and honour;

(2) to record his opinion and express regret that the martial law administration in the Punjab in 1919 departed from these principles and was calculated to deeply wound the self-respect of the Indian population by subjecting them to unnecessary hardship and humiliation;

(3) to mete out deterrent punishments to officers who were found guilty of improper exercise of their powers and to take steps to relieve the Indian revenue of all payments toward the pensions, gratuities or compassionate allowances to such officers; and

(4) to satisfy himself that adequate compensation is awarded to the families of those killed or injured at the Jallianwala Bag or other places on the same scale as the compensation awarded in the case of Europeans who suffered or were killed during the Punjab disturbances.'

Sir, at the outset I wish to express, with the permission of this august Assembly, our heart-felt gratitude to His Royal Highness the Duke of Connaught, who in inaugurating this Assembly on behalf of His Majesty the King-Emperor, conveyed to us His Majesty's gracious Message and himself gave expression to sentiments which shall ever live in the hearts of those who had the privilege of listening to his address. No one, Sir, who was present on that occasion could have helped being deeply touched by the moving appeal from His Royal Highness clothed in pregnant words which came from the very depths of his heart.

To those who are disappointed at His Royal Highness' pronouncement because it fails to confer boons on this country as was the fashion in days when autocracy was not yet abandoned, my answer is that India is now put on the path of responsible government and ought no longer to be prepared to have boons conferred on it, as, it lies in the power of its representatives to demand by right that which they think the Government ought to give. That seems to me, Sir, to be a more democratic method of doing things, and if the Government of India had any hand in not satisfying our demands through His Royal Highness, I venture to submit that they deserve our congratulations and not condemnation.

Sir, I am thankful to the Government for having given the first day of the session for the discussion of this important Resolution. It is perhaps an indication of the friendly and sympathetic spirit in which the Government desires to meet the wishes of the Members of this august Assembly as set forth in my Resolution. I would earnestly ask the Government of India and this Assembly to believe me when I say that in bringing forward this Resolution at the very opening of our first Session, I am animated by a desire not to re-open wounds which are closed but to heal wounds which are festering in the very heart of India—wounds which can never be closed until this matter is faced with a real attempt on the side of each to appreciate the standpoint of the other and by a frank exchange of views to lay the foundation of real and cordial co-operation in the new era which has opened for us all. Believe me,

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when I say that I am not moved by any wish to retaliate for the past but to give confidence to my people for the future. In an atmosphere of mutual distrust no good thing can grow. A fear exists that similar troubles may cause similar severity in the future and while we are prepared to support the Government in the preservation of order and the guarding of public security, we ask that no measures shall be taken which humiliate the loyal, and estrange the patriotic, or which, in the words of the Secretary of State's Despatch, 'are more like the actions of men in an enemy country than the treatment of fellow subjects by those to whom they look for protection.'

If this Resolution be met, as I venture to believe it will be, in the sincere desire for co-operation in which I offer it, then the past can be thrown behind us and we can go forward together and fulfil His Royal Highness' desire 'to forgive where we have to forgive and to join hands and to work together to realise the hopes that arise from to-day.'

The Resolution divides itself into four parts. The first can offer no difficulty. It demands a definite declaration from the Government of India to the effect that the connection of Great Britain and India is based on the principle of equal partnership and perfect racial equality, Indian lives and Indian honour being held as sacred as British lives and British honour. It is merely a re-iteration of the principle enunciated long ago by Queen Victoria in her gracious proclamation of 1858 and confirmed by the succeeding proclamations of King Edward VII and His Majesty King George V. While in theory this principle has always been proclaimed in the past, unfortunately in practice it has not always been observed and if I insist on this declaration being made just at the commencement of the new era, at a time when we are told autocracy is totally abandoned, I do it with a view to impress upon the members of the Government the importance of carrying it out in spirit in the new administration. I am one of those who believe that the connection between Great Britain and India is essential, that it is conducive to the growth, prosperity and happiness of India and to the establishment of Great Britain as a mighty empire among the nations of the world. I believe that the connection between Great Britain and India is essential for the progress of both and for the welfare, peace and progress of the world. I am emphatically of opinion that a separation of India from Great Britain is not only detrimental to the interests of this country, but fatal, I venture to submit, to its future importance and its very existence. Those Sir, who are spreading the idea of breaking the connection, are, in my opinion, doing the greatest disservice to the country. The importance of the connection between Great Britain and India does not merely consist in the advantage that it offers to both, but it opens for India the opportunity of being, in the words of His Royal Highness, 'the future guide of the unknown forces of Asia.' India's mission, the very justification for her existence through long years of suffering and struggle, lies in its unique power to unfold to the world the vast treasures of knowledge and of culture, of its wonderful philosophy and its profound spiritual truths.

India's ability for full self-revelation and self-expression will come as she grows to her full stature; and through her connection with the British Empire as an equal partner thereof she will be able to convey her message to the Western World. To mar all these prospects of an ever-growing future for the purpose of satisfying our petty and narrow ends is wrong.

To deny equality to Indians which is the primary condition of their permanent connection with Great Britain on petty considerations of race superiority would be a disservice both to Great Britain and India and to the world. At the same time to spread the idea of breaking the connection among the temporarily discontented people suffering certainly under an infliction of grave injustice, and under a heavy burden of wounded self-respect and utter humiliation, and to take advantage of a critical, political situation created by the anger and resentment justifiably, nay, inevitably felt by a desperate people, for the purpose of achieving one's own objects, however noble and legitimate they may be from the individual point of view, is not worthy of and does no credit to one who if he had continued, as in the past, to be a force for the good of the country and the empire would have permanently established his claim to greatness; but far more worse is the work of a few who, under the guise of patriotism and staunch nationalism to which their past does not bear witness, are engaged in rousing fanaticism and racial hatred in an injured people, whose ultimate aims are questionable and who in their utterances have given indications of their ambition to resort to violence. This, Sir, in my humble opinion, is tantamount to a crime on the people of this country and the generations yet unborn. I would earnestly ask the Government to defeat these ends and strengthen the hands of those who stand by the connection, to whom they have made an appeal for support not by resorting to repressive measure by first putting themselves in the right. A declaration of the character I demand accompanied by an unequivocal expression of regret in accordance with the demand made in clause 2 of my Resolution will, in my opinion, achieve the object.

The second clause of my Resolution expresses Indian feeling on the administration of martial law. It demands an expression of regret from the Government of India, holding that the principle enunciated in the first clause of my Resolution was departed from during the administration of martial law in the Punjab. I need scarcely remind the House that Indian opinion with one voice regrets the excesses committed by the mob and has time and again expressed severest condemnation of these excesses. It condemns equally Indians and English who exceeded the legitimate use of the great powers placed in their hands. I confess with shame that some of my own countrymen took part in them, but I have no hesitation in saying that all officers concerned, English and Indian, disgraced the uniform they wore, and we fear, still wear. I avoid names and details only too well known among us and with confidence I appeal to the Government to declare what I am sure they feel that such excesses are condemned by them as strongly as they are by the universal public opinion of Indians. The adoption of this course will not only bring to the Government the satisfaction of having done the right thing but will go a great way in enhancing their prestige which is based on the proverbial fondness of the British for fairplay. Without an assurance of this character, I am afraid, India's faith in British justice will remain shaken; but we also need that assurance in order that if any conflict should arise as is unhappily possible in the present disturbed state of the country we may be able to support the Government in the necessary measures taken for the protection of public peace and security in full certainty that in such support we shall not be wronging or imperilling our own innocent countrymen but that the measures taken will be such as Englishmen would take in England.

The third clause demands deterrent punishments to officers who were found guilty of improper exercise of their powers. In this connection I may be

[Mr. Jamnadas Dwarkadas.]

permitted to point out that the answer given to the questions put by Mr. Sachchidananda Sinha in last September has failed to satisfy Indian opinion. Uncompromising critics of the Government apprehended that the latter would spare those who were responsible for the policy and allow their wrath to fall on Indian subordinates. We were loath to believe it. But as hard fate would have it, Government, which unfortunately went on committing blunder after blunder, let off the real culprits with light penalties and two Indian subordinates whose guilt was proven but who under no stretch of imagination could have had any hand in guiding the policy were selected for a heavy punishment.

Both expediency and legal difficulties lie in the way of revising these punishments with the result that we start with a handicap when we make this demand.

I approach the whole of the third clause with some diffidence. Difficulties arise in its application that do not exist in the others. I recognise that there is an apparent injustice in penalising guilty persons, as it were, a second time. An ordinary criminal once acquitted or lightly punished cannot be arraigned a second time even on new evidence. But, Sir, we do not know that all the officers concerned have been penalised and if they have been, it should be known for the future protection of our people. No Government need be ashamed of having done justice to the people whom it rules. We are taught, Sir, in a book most sacred in our eyes, an ancient book on Indian polity, that the tears of the weak undermine the thrones of kings; that when the oppressed cry for justice and the ruler is deaf, then the sword of divine justice falls on the ruler. In that belief we have been brought up at our mother's knees. We do not know that justice has been done, but we do know that our people were wronged. At least let us know that those who have caused the bitterness in the Indian mind which has been played upon and enhanced by men who avowedly desire to break the connection between Great Britain and India so that it has become a menace to internal peace and an encouragement to external foes may at least be removed from immediate contact with the people they have wronged.

The fourth clause is the putting into practice of the principle enunciated in the first. It demands that in awarding compensation, the status of persons killed or injured will be taken in equal consideration both in the case of the British and Indians. It is the proof that the Government regards Indian and British life and honour as equally sacred. Money in either case is a poor compensation for loss of life or for humiliation inflicted on the weak by the so-called strong. That is true in both cases; but it is equally true that such poor amends as can be made in money should be made equally in both cases.

If the Government can accept the Resolution and thus respond to our earnest desire that the Government and the nation may work together, thus conclude peace with honour, then will this first Representative Assembly inaugurate with the Government an era of co-operation honourable to both and they will advance together in an ever-widening freedom beneficial to both and to humanity at large.

With these words, Sir, I commend the Resolution for the acceptance of this Assembly.

Sir Jamsetjee Jeejeebhoy next rose to address the Assembly.

The Honourable the President (to Mr. J. Chaudhuri who rose at the same time) : I understand that it was the intention of the Honourable Member to second the Resolution. Is that his intention ?

Mr. J. Chaudhuri : I sent in my name to you, Sir. Originally I had a desire to give notice of a Resolution on this subject on somewhat different lines, but, as we are pressed for time at this Session, I decided to support my friend Mr. Jamnadas Dwarkadas' Resolution. 12-35 P.M.

Enough has been said in condemnation of the atrocious, arbitrary and inhuman acts that were perpetrated in the Punjab in the name of martial law. I have no desire therefore to dwell upon the unpleasant memories of it, but I feel that our life, liberty and honour, both national and individual, will not be secure unless we bring this variety of licensed lawlessness, which has no claim to be dignified with the title of martial or any other law under the control of our legislature and courts of justice which must be freed from the leading strings of the executive at an early date. I have heard enough of denunciation and declamation on this subject, but up to now I have not met with any practical suggestions either in the public press or from the platform as to how we can in future prevent a recurrence of the sad events which have taken place in the Punjab. But at last a suggestion came from a quarter from which I had least expected. His Royal Highness the Duke of Connaught has asked us to forgive and forget 'the terrible chapter of events in the Punjab'. I presume that the people of India, forgiving by nature, would be prepared to forgive if the Resolution of my friend is not merely accepted by the Government of India but given effect to.

Now, my friend wants equality of status on a non-racial basis with reference to this. I shall refer to the Royal Message conveyed to us through His Royal Highness the Duke of Connaught. The Message promises us 'ample opportunity for progress to the liberty which the other British Dominions enjoy', or, in other words, 'Swaraj within the Empire'. The first step in the path of such progress would be to make the Government of India responsible to the Indian Legislature. The whole country was on the tip-toe of expectation that some more definite announcement would be made by the Duke in this behalf. But I must confess that I am not much disappointed. Swaraj has never come to any people as a gift. It has to be won. I would prefer to win it by constitutional means, if we may. A great deal will depend on the Government of India and a great deal on us too. It is a scientific fact and a law of nature that forces follow the path of least resistance. It will be well if the Government of India and our people alike would always remember this maxim. If the people are anxious that the government of this country should be responsible to the people the Government would be wise not to obstruct or to throw obstacles in the way. If they are prepared to yield in this respect, it would be unwise on the part of the people even to think of bringing about catastrophic changes. No constitution in any country, of which I am aware, furnishes greater security to the personal liberty of individuals or makes the executive more reponsible to the people than under the system of Parliamentary Government that has been evolved in England and adopted in the British Dominions. Yet this constitution has been worked out by non-violent methods. If we once make up our national mind that we shall have the same system of government

[Mr. J. Chaudhuri.]

in our country, there is no autocratic power on earth that can resist our demand. If they do, we can resist also. But we must not run after something indefinite. We must formulate our demands first in some definite form and if they are resisted, then we shall take to resistance but not before. We have been assured that we shall have Dominion Government. That is something definite—let us work our way up to it. When we attain it, we shall be as free a people as the Australians, Canadians or South Africans are. The relationship between us and the British people then will be more of an alliance for common offensive and defensive purposes and nothing more. In this connection I may refer to a debate which recently took place in Parliament in which Sir Edward Carson said that if Australia ever wanted to separate not a shot would be fired, and all concurred. It would be a question for Australia to decide whether it would serve her interests better to remain within the British Empire or to go out of it. And we all know that since the War, the Dominions have decided to remain within the Empire.

The Honourable the President: Order, Order. Will the Honourable Member kindly resume his seat. I must draw his attention to the fact that though the Resolution is drawn in somewhat wide terms, if I allow the debate to roam over the field marked out by his last few remarks, we shall have a very long debate and I hope he will restrict himself quite strictly to the issue at stake.

Mr. J. Chaudhuri: I was referring to the question of policy. My Honourable friend has asked for a declaration of the policy of the Government with regard to martial law. I said that though I was not keen on the punishment question I would like to lay down what the policy of Government should be, and I submit that I am in order in dealing with this question.

I shall now come to the Royal Message which relates to the question of martial law. His Royal Highness the Duke of Connaught, referring to the administration of martial law in the Punjab, said:

> 'The employment of such measures is subject to clear and definite limitations and His Majesty's Government have always insisted and always insist on the observance of those limitations as jealously in the case of India as in that of England herself.'

I consider this to be the most important item of His Majesty's Message that immediately concerns us. If in India the administration of the so-called martial law is subjected to the same limitations as it is done in England, the autocracy of the Government of India will really be at an end. Taking my stand on the Royal Message, I should like to point out broadly the outlines of the limitations to which martial law is subject in England. It would be a gross breach of good faith if ever, in future, the Government of India transgress the limitations now guaranteed to us by the Royal Message at the inauguration of the new constitution and we, the Members of the Indian Legislature, will be false to our constituencies and to ourselves if we do not embody those limitations, so far as these may be necessary in our statute book. Instructions in military manuals are not law and those will not satisfy us.

So far with regard to the limitations of English law to which His Royal Highness the Duke of Connaught referred, I would now refer to the case of the Earl of Lancaster. It was a case not decided by any court of law. The Earl of Lancaster had risen in rebellion against Edward II, and he was tried by court martial and executed; and after that, in the first year of the

reign of Edward III, his son petitioned Parliament and Parliament decided that the execution had been illegal, and the reason assigned was this, that when the law courts are open no one can be tried by court martial and executed. That is not obsolete law; it is the law of England to-day. For instance, this very case was referred to by Mr. Justice Blackburn, in the famous leading case of King against Governor Eyre, the Jamaica case. I shall quote his dictum. Blackburn *J.* referring to the Earl of Lancaster's case expressed his approval of Hale's deduction from that case that 'in time of peace the Crown cannot enforce martial law' and that 'when the courts are open, it is time of peace.' In the petition of Right (1628), the further limitations of the English law are contained. The Army Act of 1689 and the Mutiny Act of 1702 also provide that in time of peace no civilian may be tried by a court martial. The words 'in peace' were added to the statute by the Mutiny Act of 1702 for the first time.

All the great authorities on constitutional law in England are agreed that a rebel may be slain by the military at the time of his rebellion (*tempus belli*), but cannot be tried by martial law after peace has been restored. The criterion by which this would be judged is whether the law courts are open and whether the King's Writ may run. The Martial Law Regulation of 1804 contains limitations identical with those of the English law, and it has remained only for narrow-minded worshippers of the cult of British prestige arbitrarily to violate them. I shall leave them alone and now talk of the great men who have made the British name respected throughout the world and not of those who have equally disgraced it.

Coke said: 'Where the common law can determine a thing, the martial law ought not.....I speak not of prosecution against a rebel: he may be slain in rebellion, but if he be taken, he cannot be put to death by martial law'. Hale again says, martial law is 'in truth and reality not a law, but something indulged, rather than allowed as a law.....The exercise of martial law whereby any person shall lose his life or member or liberty may not be permitted in time of peace, when the King's Courts are open for all persons to receive justice according to the laws of the land.' Blackstone repeats 'martial law...is in truth no law but something indulged rather than allowed as law...it ought not to be permitted in time of peace when the King's Courts are open to all persons to receive justice according to the law of the land.' Forsyth, Sir James Fitzjames Stephen, Dicey—all may be cited in support of the same view, but I shall satisfy myself by quoting Professor Dicey who, after a very careful analysis of the question, has arrived at the following limitations of the English law on the subject. The learned Professor says: 'Martial law, if it means the power of Government or loyal citizens to maintain public order at whatever cost of blood or property may be necessary, is part of English law; but it is more often used for the name, for the government of a country or district by military tribunals, which more or less supersede the jurisdiction of the courts, and this, its proper sense (*i.e.*, suspension of the ordinary law and the temporary government of the country or part of it by military tribunals) is unknown to English law.' The first portion of Professor Dicey's conclusion which says that the law of England justifies the government, so far as it may be necessary, to repel force by force, has been embodied in Chapter IX of the Code of Criminal Procedure. This was done by no less an authority than Sir James Fitzjames Stephen, and the sections of the Indian Code embody the principles laid down in the charge of Tindal *C. J.*, to the grand jury of Bristol in 1832. . . . .

The Honourable the President: Order, Order. The fifteen minutes allowed to the Honourable Member by the Rules are now exceeded.

Mr. J. Chaudhuri: This, Sir, is a legal subject and rather intricate, and if I am not allowed to continue, may I have your permission to have my speech taken as read?

The Honourable the President: The Honourable Member is aware that the rules lay down that speakers to a Resolution, with the exception of the Mover of the Resolution and the Member of the Government replying, are restricted to fifteen minutes. I am well aware, through Parliamentary experience, of the difficulty of limiting oneself to fifteen minutes, but that rule is laid down in the interests of the Assembly as a whole, and I think, Members will consult their own individual and the general convenience by observing it strictly. In any event the Chair is empowered to apply the rule, and I think in the interests of the Assembly that the Chair must apply the rule.

Sir Jamsetjee Jeejeebhoy: Mr. President, I have much pleasure in supporting the proposition moved by my friend, Mr. Jamnadas Dwarkadas. It expresses, in my opinion, the sentiment shared by the people generally and by every political party in this country. Never before, in the history of our political struggles, have I known a controversy on which Indian opinion has been so definitely and completely united, as on that which has arisen out of the Punjab disturbances of 1919. Into the history of that most tragic and deplorable affair, I do not propose to enter. Let us devoutly pray that our annals may never have to record such a tragedy as that which overtook the Punjab. Keenly anxious, however, as we all are to forget the incident and to begin the new era in a spirit of hope and confidence in the future, it is impossible that the horrors of the martial law administration can be wiped out of our minds so long as Government, here and at Home, fail to discharge their duty by the people of this country. It is, therefore, a matter of considerable satisfaction that Government are willing, I hear, to recognise to a certain extent the justice of the cause for which Indians are fighting, and to make such reparation as lies in their power. A feeling of despair and sullen resentment had seized the people of this country when they found that their rights as British citizens had been trampled upon with impunity. They could not find it in their hearts to forget and forgive the past in face of the callous disregard of Indian life and honour shown by those on whom lay the burden of vindicating the claims of justice and humanity. The desire of Government, therefore, to heal the wounds of the Punjab, however late in the day, will be welcomed by all who are anxious for an honourable settlement of the bitter controversy which has arisen out of the Punjab tragedy. Keen as we all are to forget and forgive the Past and to grasp the hand of good fellowship, which His Royal Highness the Duke of Connaught has been so graciously pleased to extend to us in His Royal Highness' speech on the occasion of the opening of the Legislative Chambers, there is one aspect of the question to which I would like to draw the special attention of Government. It is a matter of common knowledge that the country is in the throes of a political agitation, fraught with deplorable consequences. As every one in this Assembly is aware, the Punjab incidents are used as a weapon to enlist support and gather strength in favour of that agitation. All Indian political parties demand the adequate punishment, on the lines indicated by the Mover, of those who have made improper use of their powers. It

12-53 P.M.

at a wise policy on the part of Government to withhold punishment where punishment is justly due? Let me not be misunderstood. I am not supporting Mr. Jamnadas' Resolution on the ground of mere political expediency only, but I attach greater importance to the considerations of bare justice. I hope, therefore, the Honourable the Home Member will see his way to withdraw his objection, if he has any, to clause 3 of the proposition before the House, and will recognise the imperative necessity of making a wholehearted response to the demand for justice which the Resolution contains. I venture to affirm, it is not inspired by a spirit of vengeance, but rather by a desire to see that the two communities may enter upon the new era of Freedom in a spirit of mutual confidence and good-will. The might and influence of England will gain in strength by this act of justice, and the British Empire in India will rest upon a firmer foundation than ever.

Mr. Harchandrai Vishindas: Mr. President, the delicacy of this subject, especially as it involves racial questions, enjoins on us self-restraint, moderation and brevity in speech. I propose to be guided by all these criteria in the remarks that I have to offer in support of Mr. Dwarkadas' Resolution. I admit that, by the adoption of this attitude, I might be accused of ungracious irresponsiveness to the noble appeal which His Royal Highness the Duke of Connaught made to us. I can assure you, Mr. President, that such ungraciousness causes me no little pain, as I am sure it will cause no little pain to any other speaker who adopts the same attitude as myself. But I apprehend, Mr. President, that it is possible that His Royal Highness was not placed in possession of such facts and such aspects of the question as are really involved in the present case, and by the possession of which knowledge I am prepared to believe His Royal Highness might have been induced to modify the opinion that he then entertained on the subject. 12-58 P.M.

In the next place, I find that in one passage His Royal Highness has propounded a theory which itself demands that this Resolution should be passed and the demand made by Mr. Jamnadas Dwarkadas complied with, to which I will refer later on.

In the third place, the issues involved in the present question are of such a grave nature and of such far-reaching importance that pain of mind should not weigh in the scale when we consider the rights and wrongs of the question.

Mr. President, it has been often urged on the other side that the action of General Dyer and those who worked under the martial law was justified by the very grave provocation that had been received. Now, reluctant as I am to go through the harrowing and gruesome descriptions of the various occurrences that took place during the martial law regime, I think it will be impossible for me to resist the necessity of going into certain facts if only to refute this argument. Well, as Mr. Jamnadas has admitted, I most frankly admit that the actions of the mob were most horrid, most brutal, in so far as they cruelly murdered 5 Europeans and committed horrors in other respects in burning buildings, cutting off communications, etc. But, I emphatically assert, that even if the provocations of the mob went much further than what has been borne out by the evidence, that would not justify the action of General Dyer or of those who administered the martial law at that time, because, except in countries which are not governed according to civilized methods,

[Mr. Harchandrai Vishindas.]

it has never been recognised that innocent persons assembled at a meeting where the action is entirely peaceful can be butchered or shot at, for the offences of other people. That is what happened in the present case. I will not dwell upon this any longer; it is not pleasant to do so.

In the next place, I think it was a great blunder to introduce martial law at the time it was introduced. The minority report of the Disorders Enquiry Committee proves, in the most indisputable terms, that the necessity for the introduction of martial law had entirely disappeared at the time it was introduced. It is perfectly clear that before the 15th of April 1919, when martial law was actually introduced, there was quiet and all order had been restored. Therefore, under all the authorities which bear upon the subject, to some of which Mr. Chaudhuri has just referred, there was no occasion for the introduction of martial law.

Then again, the indignities that were cruelly inflicted upon Indians in the administration of martial law in the nature of crawling orders, in the nature of flogging of students, in the nature of the erection of a tobakhana (the house of repentance) and in many other ways too numerous to mention, have created such a feeling of horror in the country that until some kind of redress is awarded to the people, the peace of mind of the public will never be restored. I therefore think, Mr. President, that it would be in the interests of Government themselves to adopt the Resolution which Mr. Jamnadas has proposed. Mr. Jamnadas has, in an indirect manner, alluded to the fact that the Government would be strengthening the hands of the co-operators by accepting this Resolution. On the other hand, I might remind the Assembly that the non-co-operators have been boasting and bragging a good deal that these co-operators will be no use and that they will not be able to get any good from the Government, and this Punjab question is one, as you, Mr. President, must be aware, has agitated the minds of the people the most, and this is the foremost plank in the platform of non-co-operators. Therefore, I strongly feel that it will be in the interests of Government to pass this Resolution.

Now to those who say that the provocation was so very grave as to justify the adoption of the measures which are the subject matter of to-day's complaint, my reply is that it is not correct. As I have said, it has been clearly demonstrated by martial law critics,—I say impartial Europeans have admitted it—that the Government party at the time, General Dyer and other martial law administrators, far exceeded the bounds.

Then again, we are told that by adopting this course of conduct, that is by supporting Mr. Jamnadas' Resolution, we shall not be forgetting and forgiving, that we would be raking up old sores and that it would be in the interests of smooth and harmonious working between the two races, Europeans and Indians, that we should let bygones be bygone. My reply to that is, that it is not a correct doctrine at all. If there is a wrong done, then for the wrong doer to turn round and say with joined hands 'please excuse me, I have committed a mistake', without calling into account on his part the circumstances which prompted him to it or without an expression of regret, would be adding insult to injury. In the first place, he inflicts wound on me, and immediately he turns round and says 'kindly forgive me'. Therefore, I think, Mr. President, that in the interests of justice, and in order that such conduct may not be repeated in the future when similar circumstances arise, it is desirable for the Government to adopt this Resolution.

Mr. Jamnadas has in this speech alluded to certain legal and other difficulties in the practical working of this Resolution. He has not pointed out what those difficulties are. He has not pointed out what other obstacles of a different nature exist. But I think that if a very nominal punishment, in the nature of merely a verbal censure or written censure, has been meted out to somebody and it is now found that he deserves a more severe punishment, it cannot be said that this cannot be justified by the circumstances of the case.

In the next place, it may be that certain persons are now out of employ or on pension and that it may not be possible under the legal constitution to mete out any punishment to them. But if such instances are pointed out that can not be properly dealt with or if the Government are entirely helpless in dealing with any particular individuals, they can be left alone. But I should not be surprised if there are still some men in the service with whom the Government can deal without any legal difficulty at all. Of course, I am speaking subject to the assumption that there are still such men, and if there are such men, then I say it is the bounden duty of the Government to mete out suitable punishment to them and it is not proper to say that their acts should be forgotten. I rather think that it is after due reparations have been made—and this is a kind of reparation—that call should be made on the country to forgive and forget, and if instead of conciliating the people by passing this Resolution Government were to reject it, I think they would be perpetuating the ill-feeling that exists among the people. Therefore, Mr. President, I entirely support Mr. Jamnadas' Resolution.

1-8 P.M.

The Honourable the President: Order, order. Before proceeding to take the amendments on the paper, this Assembly will now adjourn until 2-30.

The Assembly then adjourned until 2-30 P.M.

The Assembly re-assembled after lunch at Thirty Minutes past Two of the Clock. The Honourable the President in the Chair.

2-34 P.M.

His Excellency the Commander-in-Chief: I am intervening in this debate earlier than I otherwise should have, because, unfortunately, I have to catch a train at 3 O'Clock and I shall not be able to remain till the end of the debate.

Having only recently returned to India, and not being in any way officially connected with the Amritsar disturbances of 1919, I think I can claim to be in a position to view this deplorable affair dispassionately and without bias. In doing so, I must support my predecessor in so far as the punishments that were awarded to the military officers are concerned, and, though I am fully alive to the mistakes and the errors that were committed, and though I fully appreciate and weigh the remarks that have been made by the Proposer and the Seconder of this motion, I must adhere to the attitude that has been adopted by my predecessor, Sir Charles Monro. The case has already been adjudicated on by the highest military authority. I am strongly averse to re-opening the question of these punishments, especially after what has been said in this Chamber by His Royal Highness the Duke of Connaught in opening it. Such a course, notwithstanding the arguments that have been put forward by Members who have already taken part in this debate, would, in my opinion, do no good, and might conceivably do an infinity of harm.

[H. E. the Commander-in-Chief.]

I will leave it to the Home Member and to the Army Secretary to review the cases in detail; but I do ask the House to realise that there is nothing more distasteful to soldiers than to be called upon to aid the civil power in the suppression of disturbances. It is not one of the proper functions of the Army, and, whether it be in England, or in Ireland or in India, they dread the day when such action may be forced upon them, and they loathe beyond measure carrying it into execution. They have to carry out their unpleasant task as best they can; but their duties are, and should be, confined to their immediate surroundings, and I desire to repudiate any idea that the repressive measures that may be necessary should be intended directly to influence other situations at a distance from the immediate seat of the disturbance itself. In other words, it is no part of the duty of an officer, in such circumstances, to attempt to produce a moral effect upon the country at large.

The Honourable Sir William Vincent: Sir, if I say that I feel a grave sense of responsibility in addressing this Assembly to-day, I hope that Honourable Members will give me credit for speaking in no conventional manner but very literally and sincerely; I feel that so much depends upon this debate, so much depends upon the position taken up by Government, so much depends upon the attitude of this Assembly that there is indeed ground for grave concern. Indian opinion and European opinion alike are waiting for the result of this debate. The Members of His Majesty's Services, military and civil, are watching to see how far they may expect fair consideration and justice from the Members of this Assembly. Above all, those who are hostile to the British Government, to the British connection, hostile, I believe, to the welfare of this country, are seeking to see whether the *moral* of our officers to deal with disorder (if it should unfortunately recur) is to be destroyed or impaired by the result of this discussion and whether the forces of disorder in this country are to receive, directly or indirectly, encouragement or an accession of strength from this Assembly. In these circumstances, Sir, is it surprising that I viewed the notice of this Resolution with somewhat mixed feelings? In the first place, I was afraid that any speech not made in moderate terms, nay, not couched in terms of unimpeachable moderation, might increase rancour and ill-feeling at a time of real danger when the utmost toleration and patience is demanded of all if this country is to succeed in the present new effort towards self-government and escape from the perils which envelop it.

2-38 P.M.

I am glad to say that on this point I was much relieved when I heard the speech - if I may say so, the admirable speech—of the Mover and I trust that Members who speak after me will endeavour to employ a similar note of moderation in their speeches; for so much injury may be done in the present state of the country by any ill-advised or doubtful expression. There is equally great danger of inflaming Indian feeling on the one hand as of exasperating European opinion on the other at so grave a crisis. On the other hand, while I recognise that nothing that I can say in this Assembly can satisfy the extremist, I am glad of this opportunity of doing what I can in this Assembly to allay the deep feeling of resentment which prevails even amongst men of a reasonable frame of mind and of explaining the attitude of Government on the question which, I believe quite honestly, has been grievously misunderstood by many.

I realise also that Indians in this country feel very bitterly on this matter—the iron has entered very deeply into their souls—and they seek here, and reasonably seek, an opportunity of expressing in unequivocal language the feeling of the country on these unfortunate happenings, and for that reason also I welcome this Resolution. But at the same time, and in the first place it is necessary in my opinion that both sides should be quite candid on certain points, namely, that there were many things done on both sides which were in every way reprehensible, which every honest man must condemn and, I think, all who have the welfare of this country at heart must bitterly regret.

On the one hand, we have wanton murders, crimes of violence unparallelled at any rate for many years in the history of this country, dacoity, arson, looting, attacks on communications and other crimes of a very grave nature which at one time threatened the very structure of the administration. On the other hand, we have overdrastic and severe punishment, the excessive use of force and acts which have been interpreted and, I am afraid, reasonably interpreted, as calculated to humiliate the Indian people in a manner which cannot but be regarded as unpardonable,—morally indefensible at any time but more so than ever at a time when this country is about to enter upon a system of responsible Government.

Sir, passions and cruelty are of the same parentage and are equally to be deplored whoever yields to them, and I can say that the Government take the same attitude in regard to the excesses committed by the mob, as they do towards the improprieties committed by Government officers, both are equally to be regretted and deplored.

To begin with the most noteworthy case of improper action, I should like to deal very shortly with that of General Dyer. I do not propose to deal with it at any length but merely to say that in regard to that action, the Government of India stand entirely by their Despatch of May and the Despatch of His Majesty's Government, and, if I may cite two passages from these Despatches, I think I shall be able to satisfy the Assembly as to what that attitude was. The Government of India then said—

'Giving all due weight to these considerations—

that is, considerations which many of you well remember as cited in the Despatch—

the deliberate conclusion at which we have arrived is that General Dyer exceeded the reasonable requirements of the case and showed a misconception of his duty which resulted in a lamentable and unnecessary loss of life.'

In a later paragraph of the same Despatch we said—

'Nevertheless, after carefully weighing all these factors, we can arrive at no other conclusion than that at Jallianwala Bagh General Dyer acted beyond the necessity of the case, beyond what any reasonable man could have thought to be necessary, and that he did not act with as much humanity as the case permitted.'

On the same subject His Majesty's Government used the following language—

'His Majesty's Government repudiate emphatically the doctrine upon which Brigadier-General Dyer based his action—action which to judge from his own statement might have taken an even more drastic form had he had a larger force at his disposal and had a physical accident not prevented him from using his armoured cars.

'The principle which has consistently governed the policy of His Majesty's Government in directing the methods to be employed, when military action in support of the civil authority is required, may be broadly stated as using the minimum force necessary. His Majesty's Government are determined that this principle shall remain the primary factor of policy whenever circumstances unfortunately necessitate the suppression of civil

[Sir William Vincent.]

disorder by military force within the British Empire. It must regretfully, but without possibility of doubt, be concluded that Brigadier-General Dyer's action at Jallianwala Bagh was in complete violation of this principle.'

It is important that I should make the position of Government clear on this point, because it necessarily follows that the Government of India entirely dissociate themselves from the attitude taken by certain persons both in this country and in England,—even in Parliament, on this question.

The Government of India are in no sense responsible for the action of those persons, and they believe this attitude has done more to create bitterness, ill-feeling and deep resentment in the minds of Indians alone than anything that has happened since these unfortunate occurrences.

The Government of India's views as to the right to use force to suppress violent disorder are perfectly clear. While they recognise that the use of force is and must be imperative in the case of grave disorders which cannot otherwise be quelled, and are clearly of opinion that on occasion prompt and severe measures may be humane and save life, they emphatically repudiate any idea that force is to be used on any occasion in excess of the absolute requirements of the case. This is a clear principle of limitation which has been accepted by all civilised Governments, and it necessarily follows that an officer quelling disorder by the direct use of force is not entitled to use force as a punitive measure. The views of His Majesty's Government on this subject are set out in detail in the Despatch to which I have referred, and the Government of India identify themselves wholeheartedly and loyally with the policy so enunciated. If severe action is necessary it cannot be avoided, but the only justification for such action is necessity, and the dictates of justice and humanity must never be violated. Above all, we desire to repudiate any idea that the lives of Indians are valued more lightly than the lives of any other of His Majesty's subjects, or that martial law may be enforced more rigorously in India than elsewhere. In fact, this is not so, and I believe that Honourable Members of this Assembly, who have studied the drastic measures now taken in Ireland, will see that they are in many ways much more severe than those taken in India. I have no right or desire to criticise the action of the authorities in Ireland either favourably or adversely. It is not part of my argument. The point I wish to make is that so far as the use of force and severity is concerned, drastic action under martial law is not due to racial considerations so much as to the tense conditions, the difficulties of the situation, the necessity for immediate measures and of making decisions with the utmost promptitude in circumstances of great difficulty. It does not follow at all that an officer is entitled to treat the honour of Indians lightly or to take any measure which tends to humiliate them. That is an idea which the Government of India desire emphatically in this Chamber to repudiate and I trust, in making this statement, I have met the first part of the Honourable Member's Resolution.

Making all allowance, however, Sir, I fear that it must be admitted that the canons to which I have referred were violated in individual instances by officers in the Punjab. I do not wish this Assembly to think, and I do not wish the members of our services to think that this condemnation is general. Indeed, there would be no justification for such a general condemnation on any of the evidence placed before the Government or before the Members of this Assembly. I am glad to say, the great majority of our officers behaved with all propriety and consideration. Nevertheless, there were

many cases, I am afraid, of improper conduct by individuals—conduct which might indeed be described by a worse adjective,—for which we can only express our deep regret. Some of these improper orders—for instance, the crawling order—were at once cancelled. Others did not come to our notice at the time. I may say at once, however, that this expression of regret for the acts of individual officers, while general in character, extends in particular to those actions which were calculated or believed to be calculated to humiliate Indians and which caused such resentment among the people of this country. They include also cases to which the attention of the Government has been directed in particular, namely, the arrest and long detention of certain persons for what was in our opinion unreasonably long periods. We know that in such cases the arrest of suspects is often justifiable, and it is often necessary to detain them for short periods but we think that this practice was followed too freely in the Punjab, and in particular, that men were detained much too long without trial. I do not wish to enter into details, but there are two gentlemen to whom, in particular, I think these remarks apply and to whom the regrets of the Government of India may suitably be expressed, namely, Mr. Manohar Lal and Mr. Gurdial Singh.

I have now placed before this Assemby the views of the Government on the question of principle and our regret for the improper acts of individuals. I ought to go on to explain the measures which we have taken to prevent the recurrence of such conduct if in the future it should unhappily be necessary to enforce martial law in any part of British India. We know that, human passions being what they are and human nature being so liable to err, individual acts of impropriety and of folly are inevitable, but, so far as we can, we have taken every step to prevent the recurrence of many of the acts which I have mentioned as casting a blot on the administration of martial law in the Punjab in 1919. We believe that many of the mistakes made—though I cannot say all—were due to inexperience and to want of proper instructions as to what the duties both of military and of civil officers were and we have caused to be prepared a manual of instructions for the use of officers, if unhappily they should be called upon to face a similar situation. In these instructions we have made it clear that the use of force is to be strictly limited to the real necessity, that the issue of martial law orders is to be similarly limited, that the ordinary courts of law are to continue, so far as possible, to deal with ordinary crime, that improper punishments are not to be awarded and above all anything likely to cause racial humiliation to any class of His Majesty's subjects must be avoided. We believe and hope that these instructions will prevent the recurrence of many of the unfortunate acts to which reference has been made in this Assembly.

I now come to the question of penalising those officers who have been found in fault, and to the general principles which have actuated the Government of India in dealing with this question. And, first of all, I wish to cite a short passage from the admirable speech made by Lord Sinha in the House of Lords on this subject. His Excellency then said :

> 'I desire to make it clear that what my fellow-countrymen in India desire is the vindication of principles and not the punishment of individuals. That is of secondary importance. Indeed it is of importance only in so far as it tends to give effect—adequate or otherwise—to your vindication.'

Mr. Montagu again said :

> 'Nobody has ever suggested, no Indian has suggested, no reputable Indian has suggested, so far as I can remember, any punishment, any vindictiveness or anything more than repudiation of the principles upon which General Dyer acted.'

[Sir William Vincent.]

I believe, I am right in saying that the authors of the Congress Report took much the same view. It is these principles of justice, of fair treatment, of limiting the use of force and of the exercise of all possible humanity and avoiding anything which might create racial feeling that I have attempted to vindicate in my observations up to now. The Government of India throughout have regarded the vindication of these principles and the prevention of the recurrence of mistakes as the most vital lesson to be learned in this matter.

And on this question of punishment and the wisdom of re-opening various matters which have been fully investigated and adjudicated on by His Majesty's Government, I would ask Honourable Members to bear in mind certain general principles. I do not speak of provocation to which I understood one Honourable Member to refer. But I feel strongly that Members of this Assembly should attempt to realise the very difficult, dangerous and unprecedented situation with which our officers were faced. It is easy now, in the calm atmosphere of this Council, to criticise the conduct of these officers, to find fault with this act and that act, to say that an officer behaved wrongly here and wrongly there. But I should like individual Members of this Assembly to put themselves for one moment in the place of these officers and say honestly, if they were in such a difficult and terrible situation, whether they would not have been guilty of some indiscretion, some errors, or worse. There are those, Sir, who do not realise the serious nature of these disorders and who even now say they were of a minor character, and there was no attempt to subvert Government This is a matter on which Government have no doubt, and I would ask any Member who really has misgivings on this matter to read for himself once again, not the opinion of those who investigated the doings and disorders, but the history of events, to read the speeches delivered, to examine again the posters published at Lahore and elsewhere, to study the maps annexed to the reports, recall the murders and various outrages committed and the widespread and deliberate attacks on communications; and I think he will be satisfied himself that these officers were faced with a very grave and very difficult situation, and it was essential—I do not defend the improper acts, I wish to be carefully understood on this point, but I do seek to say that it was essential that these disorders should be quelled very speedily. The men who had to deal with the situation had to come to decisions of the utmost moment, promptly and without time for a second thought. Can any one of us say that in such a crisis, when faced with responsibility for the lives of others, his conduct would have been such that it would not have been open to criticism, judged in the calm atmosphere of this Assembly, at a great distance of time and place? Would not any Member of this Assembly, if he were on trial for errors, for culpable conduct, for improper actions, demand consideration for the circumstances—would he not say, 'I am entitled to be blamed for what I have done, I am liable to be punished, but I am entitled to receive consideration for the very difficult position in which I was placed, and I am also entitled to ask that those in authority over me shall consider what my previous record of service has been, and what my conduct in the past has been towards Indians and towards the Government.' I believe that every Member of this Assembly, I believe that the Honourable Mover himself, if he had really any subordinate under his control, would give the fullest consideration to these factors in assessing punishments. Our officers are not perfect instruments and they never will be. They are liable to err, to

yield to evil, like any one else. In such circumstances, I submit to this Assembly that it is perfectly right that Government should express in unmistakable language their disapproval of improper acts, that they should take every step to prevent their recurrence and that they should express their deep regret to those who have suffered, even that they should make reparation—and I will explain what I mean by this later—so far as it is in their power. But the punishment must not be vindictive, and must bear relation to all the circumstances of the case. And it is in this view the Government have approached these cases. It would have been perfectly easy for us to sacrifice an individual, to dismiss an officer and so satisfy popular opinion. But Government has to be just to its officers as well as to the public, and it is in that spirit that they have approached the question which is now under discussion. There is no question of maintaining prestige or anything of the kind. The Government have only done what they believe to be just and I ask the Assembly to believe that we have attempted to act honestly and that we have done what is right to the best of our judgment, what we believe to be right, without regard to prestige of any kind. I may add that we have been criticised with some severity by many for the action that we have already taken. I hope also that this Assembly will consider in their minds what the effect of excessive severity must be, whether any Government, any Administration, can expect its officers to do their duty if they are treated with undue harshness. Members of this Assembly will remember that our officers may at any moment be called upon to face similar situations—I hope not of such gravity—but there are forces of disorder abroad. Our men must be called on from time to time to decide as to what immediate action ought to be taken to suppress disorder and riots, when force is to be used, when they are not to use it, and I firmly believe that if in the cases under discussion undue severity, not reasonable severity but undue severity, is used, it will be most disastrous to the administration of this country. And I ask this Assembly now, taking a large part in the administration and as influencing this Government, to remember that as a cardinal factor in dealing with the merits of this case. I do not know whether it is necessary for me to go into each individual case in detail. But I would like to take the case of at least two or three of the more prominent men whose conduct has been criticized. I need not deal with the case of General Dyer. Indeed, it would be improper for me to do so, because he is a military officer, and because also the punishment awarded to him has rightly or wrongly been decided by an authority superior to the Government of India, the authority to whom he has, as I understand the position, a statutory right of appeal.

I will take up the case of an officer—Mr. Bosworth Smith. I think his case is a typical one. It was said by one of the speakers to-day that he had erected a house of repentance. Well, it is quite true that he proposed to do it, but he was stopped at once. It never was done. It was an evil intention. It is fortunate that he was stopped from carrying his purpose into execution and no one can in criminal law even be punished for a criminal intention. Two other points made against him are that he arrested and detained a man called Ratan Ram because his son Mangu had absconded, and that he prohibited the cutting of crops in cases in which the owners of those crops had absconded. He has made a statement to Government in regard to this last charge, and said that it is quite true that he had prohibited the cutting of crops, but that they were harvested and none were confiscated. I do not think that it can be said that either of those acts is of such a nature

[Sir William Vincent.]

that it ought to be made the basis of an order depriving an officer, who has served Government for many years, of his pension. The actual position in regard to this officer is that he applied to Government to be allowed to retire, I think, in January 1919. I am not absolutely certain about the date. Pending orders, he was employed by the Punjab Government during these disorders, and subsequently we received sanction from the Secretary of State allowing him to retire on a proportionate pension. He then again asked to be allowed to remain on in Government service for another year. The Government of India declined to allow this. They felt that his conduct record of previous service, not on this occasion alone, had been such that it was better that he should not occupy a position of responsibility in this country, but I want to make myself quite clear on this point. I do not suggest that it was solely on account of his behaviour during these Punjab disorders that this was done because that would not be the case. We considered the cumulative effect of his errors; his record was not too good, and, considering this with his conduct on this occasion, we thought that he was not a useful servant of Government and the sooner he left the country the better. Mr. Bosworth Smith protested in the most vigorous manner against his removal, and it was a very serious pecuniary penalty upon him involving many thousand rupees I believe, but I have not verified the figures myself.

The Honourable the President: May I remind the Honourable Member that the half hour allowed has expired, and that there will be a further opportunity, when the different divisions of the Resolution are put, for dealing with the matter in detail.

The Honourable Sir William Vincent: I have no time to enter into the case of the other officers under the very salutary ruling of the Chair, but will, with your permission, Sir, deal with one more point in the Resolution, that is, the question of compensation in the Jallianwalla Bagh affair which is the last point raised in the Resolution.

The Government do no admit any legal liability on this account. Even if the loss of life is due to the misconduct on the part of an individual officer, I do not think that Government ought to accept liability on that account. Nor do they think that the position of these men is on the same footing as those of persons murdered at Amritsar and Lahore who have a statutory right of compensation. At the same time we feel that the Message of His Royal Highness is addressed as much to us as to the Indians, that it applied to Europeans—officials, non-officials, Indians, all alike. We are very anxious to go as far as possible to meet the Honourable Mover. We are also very anxious to do what we may to obliterate the ill-feeling over this matter. Therefore, though we cannot admit liability, yet we are prepared to make an admission that the grants of money to those who suffered at Jallianwalla Bagh and those injured by aeroplanes at Gujranwala have not been generous, or possibly adequate, and we are prepared to ask the Punjab Government to increase the amounts, and deal with those men or their dependents, in the case of those who are unfortunately dead, in a much more generous manner than has been done in the past.

I have to conclude my speech under the order of the Chair, and I can only say that I hope that what I have said may do something to assuage the feeling of this Assembly and of the country, and that this unhappy episode in the history of British India may be finally closed.

The Honourable the President: It will be to the convenience of the Assembly if we proceed to the amendments of which notice has been given. A variety of amendments has been handed in, and though they have not all fallen strictly within the rule providing for a certain time for notice, I have admitted them. I therefore call upon Mr. Latthe to move the first and second clauses of his amendment.

Mr. A. B. Latthe: Sir, I beg to move the first amendment in line 1 of the Resolution:

3-16 P.M.

That after the words 'This Assembly' and before the word 'recommends' the following be inserted:

'while expressing its grateful thanks to His Majesty the King-Emperor and His Government for the assurance given by them through His Royal Highness the Duke of Connaught, that in case of necessity for the adoption of martial law measures arising in future, the observance of clear and definite limitations, within which those measures must be adopted, will be insisted on as jealously in the case of India as in that of England herself'.

And the second amendment, which I have been called upon to move at the same time, is the necessary result of the amendment which I have just now read to the Assembly.

If we turn to paragraph 1 of the Resolution, we will find that the Honourable Mover of the Resolution wants from Government a declaration that relations between Great Britain and India are relations of an equal partnership and of perfect racial equality, and that Indian lives and Indian honour should be held as sacred as the British lives and honour.

At the time the Resolution was drafted, it was very likely that the Mover should have thought it necessary to insert this paragraph in the Resolution, but after the Resolution was sent in, His Royal Highness the Duke of Connaught has brought to us a Message from His Majesty the King-Emperor and His Government, and the statement that he made on behalf of His Majesty and His Government I think amply answers the necessities of the case. One of these statements, I have referred to in the amendment which I have proposed, and there were several other references also which are relevant to the point which we are now discussing. I should think that the Assembly would agree with me in saying that, if a statement of Government's objects counts for anything, that statement made here by His Royal Highness the Duke of Connaught is quite generous and should satisfy those who have any faith in statements and announcements made by Government. Of course, I know, and the Assembly knows, that there is a certain class of people who attach no value to announcements and promises made by Government, but we are not here called upon to consider people of that sort. Here, the Honourable Mover of the Resolution has requested the Government to make an announcement, and I think the Assembly will agree that the required pronouncement has been made by His Royal Highness, and therefore I move that paragraph 1 of the Resolution should be withdrawn and the words that I have read out be inserted in the place I have suggested.....

The Honourable the President: I gather from the Member's remarks that he regards these two clauses of his amendment as formal and not a change of substance.

Mr. A. B. Latthe: That is what I should think.

The Honourable the President: As I am inclined to agree with the Honourable Member I think we had better proceed to the amendment which gives more substance to the debate. I will proceed to put the amendment from the Chair. Is there any Member who has any objection to that course?

The question is that, after the words 'this Assembly' and before the word 'recommends' the following be inserted:

'while expressing its grateful thanks to His Majesty the King-Emperor and His Government for the assurance given by them through His Royal Highness the Duke of Connaught, that in cases of necessity for the adoption of martial law measures arising in future, the observance of clear and definite limitations, within which those measures must be adopted, will be insisted on as jealously in the case of India as in that of England herself'.

Rao Bahadur T. Rangachariar: May I say a word, Sir? I rather think my friend has misapprehended the object of the first clause in the Resolution of Mr. Jamnadas Dwarkadas. There is a world of difference between statements emanating from His Royal Highness the Duke or from any Message coming from His Majesty the King-Emperor and any pronouncement by the Government of India. What my friend Mr. Jamnadas Dwarkadas wants, is a declaration of the firm resolve of the Government of India . . . .

3-20 P.M.

The Honourable the President: The Honourable Member's speech will not be in order till I put the second half of this amendment from the Chair.

The amendment was then negatived.

The Honourable the President: The question is that clause (1) of the Resolution be omitted.

The motion was put and declared lost.

The Honourable the President: The next amendment is in the name of Chaudhuri Shahab-ud-din, that in clause (2) the words 'and express regret' be omitted.

Mr. Harchandrai Vishindas: Mr. President, I rise to a point of order. That point of order is this: Will you permit a debate upon these amendments before putting them to the vote—supposing anybody wishes to speak in favour of or against those amendments—would you permit this before they are put to the vote?

The Honourable the President: Certainly, there would be no objection. I took the opportunity of giving time for this, but I did not observe anybody even making a move to rise to speak.

3-22 P.M.

Chaudhuri Shahab-ud-din: Sir, I want to move an amendment:

'That the words 'and express regret' be omitted from part 2 of Mr. Jamnadas Dwarkadas' Resolution.

Mr. Harchandrai Vishindas: Sir, I rise to interrupt, for this reason, that we have not got copies of this amendment. Copies of it might be circulated before it is considered.

The Honourable the President: The words were read out from the Chair and I have ruled that in this case we will proceed to deal with the amendment moved by Mr. Shahab-ud-din. The words he proposes to omit are the words 'and express regret' in clause (2), so that the opening phrases of clause (2) will be 'to record his opinion that the martial law administration', and so on.

Chaudhuri Shahab-ud-din: The reason which has prompted me to propose this amendment is a very simple one. Regret has already been expressed in unmistakable terms by His Majesty's Government in the Secretary of State's Despatch to the Government of India. Gentlemen, I will, with the permission of the Chair, read only that sentence which bears on the subject: 'The instances cited by the Committee gave justifiable ground for the assertion that the administration of martial law in the Punjab was marred by a spirit which prompted—not generally but, unfortunately, not uncommonly—the enforcement of punishments and orders calculated, if not intended, to humiliate Indians as a race, to cause unwarranted inconvenience amounting on occasions to injustice, and to flout the standards of propriety and humanity which the inhabitants, not only of India in particular but of the civilised world in general, have a right to demand of those set in authority over them'. Then follow the important words 'It is a matter for *regret* that, notwithstanding the conduct of the majority', and so forth. I need not read the rest of the sentence. So, regret having been expressed by His Majesty's Government, which is the fountain-head, so far as the Government of India is concerned, as regards its powers and duties, I submit that these words are quite superfluous and redundant.

It is not an expression of regret that is needed: it is something tangible, something substantial, that is needed. These words of regret have already been expressed, and they are expressed again to-day; but it is not words but action that is needed so long as the martial law prisoners remain in jail. It has been admitted by Government that both sides are equally reprehensible, but this equality I fail to see. I wish to bury and forget the deplorable events of 1919, but I come from the Punjab, I represent the districts of Lahore and Amritsar and I know the feeling there. Therefore, I feel specially called upon to place before the House the real situation as well as the feeling which prevails in our Province. The martial law prisoners are still in jail—some of them, not all, were released; they were given the benefit of the Royal Proclamation in 1919. But many of them are yet in jail. I, therefore, propose that these words may be omitted. Expressions of regret we have already received; now something tangible, some action, is needed. That is the way in which Government can, I believe, show their sympathy, and thus start on the reforms with a clean hand and a clear heart. I will confine myself only to this amendment for the present. With the permission of the Chair, I may also deal with the other two amendments which I propose to make. The second amendment which I have proposed is with regard to punishments. That is a question to which I have given my best thought, and I am quite prepared to agree with Government that they have a very difficult position to deal with. The question of punishment ostensibly appears to be an easy one; but in fact it is a very difficult one to decide. There are officers, the covenanted Civilians, who are of course liable to punishment by stoppage of pension, reduction of salary and so on . . . . .

The Honourable the President: I asked the Honourable Member to move the first part of his amendment in order that we might have a discussion in compartments so as to restrict the debate to each separate point raised successively throughout the Resolution. I think we will take his amendment that the words 'and express regret' be omitted, first of all.

Chaudhuri Shahab-ud-din: Sir, I will confine my remarks only to this, that the words 'and express regret' be deleted.

Mr. Jamnadas Dwarkadas: Sir, I am afraid I am unable to accept the amendment suggested by my Honourable friend, Mr. Shahab-ud-din, and I hope that the Honourable Members of this Assembly will weigh the objections that I place before them and reject the amendment. 3-28 P.M.

In the first place, Sir, I believe that the omission of these words 'and express regret' will expose this Assembly to an unnecessary misunderstanding by the public. If, I ask the Honourable Member who has moved this amendment, the Government of India has no objection in expressing regret, is it reasonable that we should stand up and object to the inclusion of these words in this Resolution? If His Majesty's Government has expressed regret, it does not mean that the Government of India has expressed regret also; and if I emphasise this fact, that it is absolutely necessary for us to ask the Government of India to express regret in unequivocal terms, we shall be only doing what I consider is the right thing for us to do. I hope that without discussion this House will reject the amendment suggested by my Honourable friend.

The Honourable Sir William Vincent: Sir, I think it would have been fairer to Government if the Honourable Member had moved this amendment a little earlier. It seems to me a little hard upon us that we should be asked by the Mover of the Resolution—very reasonably asked and I have attempted to meet him—to express regret for certain actions, and after we have made every effort to meet what we believe, rightly or wrongly, to be Indian sentiment, the sentiment of this Assembly, on that matter, that the Honourable Member should move an amendment cutting out the very words relating to an expression of regret to which we believe Members of this Assembly attached great importance. I think that Members of this Assembly, following the traditions of its predecessor, will treat the Government with more consideration in a matter of this kind and will not first ask for an expression of regret and then withdraw those very words after Government has accepted them. 3-30 P.M.

Chaudhuri Shahab-ud-din: With the leave of the Assembly, I beg to withdraw that amendment.

The Honourable the President: Has the Honourable Member the leave of this Assembly to withdraw his amendment?

The amendment was, by leave, withdrawn.

Mr. A. B. Latthe: Sir, I beg to move: 3-32 P.M.

'That in part (2) of the Resolution, between the words 'express regret that' and 'the martial law administration' the words 'some of the measures adopted in the course of' be inserted.

Sir, the question which is, raised in this amendment is whether the whole of the martial law administration in the Punjab is to be condemned by the Assembly or only certain excesses of which certain officers in that province

were guilty in the year 1919. Taking into consideration the fact that very serious disturbances of peace had occurred in that province, considering also the fact that attempts were made to cut off communications in a way to upset the Government in the Punjab, it seems to me that it was necessary that some steps which were out of the way and which were not sanctioned by the ordinary law should have been taken for the purpose of suppressing those disturbances. Instead, therefore, of saying in a general way that the whole of the martial law administration is to be condemned by this House, I think it will be more proper to say that some of the acts which were committed by certain officials in those days and which were in excess of the necessities of the case should be condemned. That would, I think, be more reasonable and ought to be acceptable to the House. I therefore move that this amendment may be accepted by this House.

Mr. Jamnadas Dwarkadas: Sir, I am afraid I find myself in the same position in which I found myself when my Honourable friend on the opposite bench, Chaudhuri Shahab-ud-din, moved his amendment; I am afraid I cannot accept it. Acceptance of this amendment will be tantamount to the whittling down of the spirit of my Resolution and I believe now that the Government have expressed ample regret, it will be better to stick to the terms of our Resolution and not lay ourselves open to misunderstanding by whittling it down. I hope Honourable Members will reject this amendment.

3-34 P. M.

Mr. Harchandrai Vishindas: Sir, I have got one more argument to urge in support of Mr. Jamnadas, and it is this. I think it would be the sense of some members of this Assembly that the whole of the introduction of martial law should be condemned. In that case, this amendment will be negativing that sense. For that reason, I also would oppose it.

3-35 P. M.

The Honourable Sir William Vincent: Sir, speaking for the Government, I may say that this amendment represents the real position more accurately than the original motion because as a matter of fact, we know perfectly well and Members who have come from the Punjab must bear me out on this point that there are many officers about whom we have received no complaint whatever, in fact there are men who were complimented by those who were in the province at the time for the consideration which they showed to the public. If the Assembly will accept this amendment, I do not mean to whittle down the blame which attaches to those who were guilty of misconduct But if the Assembly will so modify the Resolution as to apply it only to those who deserved blame I think myself that it would be a very honest and fair way of treating the case. For instance even from such a document as the Congress Report, it will be seen that the number of officers held blameworthy is very small compared with the large number of officers who were engaged in the administration of martial law. If, therefore, this Assembly—I hope the Mover of the Resolution will reconsider this point—if this Assembly accepts the view that we should express regret for those officers only who have been held blameworthy, that those who have committed wrong only are to be censured, then I think they would be doing justice to our officers and preventing those who were not guilty of any misconduct from feeling a sense of injury, to which the general terms of the Resolution may give rise.

Bhai Man Singh: Sir, I will take the Resolution as it stands and read it as a general statement about the administration of martial law, and I do not understand how the Mover takes it to be a universal

3-38 P. M.

[Bhai Man Singh.]

statement applying to all the officers concerned with the administration of martial law. As a general statement, I most strongly support it because it is not one, two or three facts to which we object, but it is the general administration of martial law that is regrettable. For instance, take any of the orders that were passed during the martial law regime, and I dare say they compare well nigh with the orders passed by Germany in Belgium during the last war. That is the general trend of the martial law orders passed at Lahore and Amritsar. Well, if that is the general trend, I cannot understand how we can say that the Resolution, as it stands, is not right. Moreover, I would not like to open the question as it leads to a larger discussion. But I, for one, would take up the position that martial law generally, even the proclamation of martial law under the circumstances, was not necessary. There were no circumstances to justify the promulgation of martial law in the manner in which it was promulgated in the Punjab. I know that certain deplorable facts did occur at certain places, but taking them one by one, the Assembly will see that the nature of the circumstances was not such as to justify the promulgation of martial law on the day on which it was promulgated. For instance, if I mistake not, it was on the 13th or 14th of April that the announcement of martial law was made, and it has been admitted by high officers that absolutely nothing happened after that. As such, therefore, I strongly object to the amendment and support the Resolution as it stands.

3-40 P. M. **Rai Bahadur Pandit J. L. Bhargava:** Sir, I also oppose the amendment.

3-40 P. M. **Mr. N. M. Samarth:** Just a word, Sir. It seems to me that there is some confusion of ideas between those who have supported this part of the Resolution and those who are for the amendment. This clause, as worded, casts no reflection on individual officers. It is, in effect, a condemnation of the departure from those principles which are enunciated in clause (1) of the Resolution, and consequently, the passing of this part of the Resolution need not be construed into any reflection on any officer if any, who may have administered the martial law in a humane spirit. I trust, therefore, that the amendment will be rejected and clause (2) of the Resolution, as originally drafted, will be passed.

The Honourable the President: The question is that these words* be inserted in part (2) of the Resolution between "express regret" and "the martial administration."

The amendment was put and negatived.

The Honourable the President: The next amendment stands in the name of Mr. Shahab-ud-din.

3-43 P. M. **Mr. Darcy Lindsay:** Sir, is the Resolution going to be moved as one Resolution or as four Resolutions? I ask this, as I believe some of the Members have diffidence in voting on No. (3). I believe, I am voicing the feeling of the European elected Members present in this House, and certainly . . . .

The Honourable the President: I will put the Honourable Member in order by putting the first half of the Resolution as it stands to the House: that is to say, clauses (1) and (2) which have already been passed unamended by the House.

* 'Some of the measures adopted in the course of'.

The question is that clauses (1) and (2) of the original* Resolution stand part.

The question was put and agreed to.

The question is that clause (3)† stand part.

Mr. Eardley Norton: Sir, may I ask if we are permitted to speak?

The Honourable the President: The first part of the Resolution was put from the Chair and I did not observe anybody rise. I have no intention of putting the question from the Chair in such a way as to preclude debate: but Honourable Members are in charge of their own interests and if, in the few seconds delay that I allow before putting the question, a Member does not rise in his place, then of course he cannot catch my eye. Therefore, I hope Honourable Members will realise that if I show hesitation for a second or two in putting the question to the House, it is in order to enable Members who wish to speak to rise to their feet promptly and visibly so that I may see them. I have no desire whatever to exclude debate by putting a question before it is fully and freely discussed.

Sir Sivaswamy Aiyar: Sir, I should like to say . . . .

The Honourable the President: I have called Mr. Lindsay to speak on the question that clause (3) of the original Resolution stand part.

Mr. Darcy Lindsay: Sir, I believe I am voicing the feeling of the elected European Members of the Assembly, present in the House, and I speak particularly for Calcutta and Bombay, in saying that we entirely support the views and sentiments as expressed by the Honourable the Home Member, and we are grateful to him for the very lucid address he has given the House. He has also dealt with this clause (3) to which I have made reference. And the Mover himself expressed his doubts as to whether there were not legal difficulties in carrying out the terms of the Resolution. The Honourable the Home Member, unfortunately, had not sufficient time to advise the House as to all the officials and officers to whom punishment had been meted out, but taking all in all, I had hopes that the Mover of the Resolution would have seen his way to have withdrawn clause (3) in view of what had fallen from the Honourable the Home Member. I congratulate the Mover on the moderation of his address in moving the Resolutions. We, the elected Members, were in some doubt as to what was going to happen to-day, but we have received his address with every feeling of good-will. To-day's proceedings, so far as they have gone, are, to my mind, a very happy augury of the good work that will be done in this Assembly, and of the good feeling among all the communities.

3-45 P.M.

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*(1) to declare the firm resolve of the Government of India to maintain that the connection of India with the British Empire is based on the principle of equal partnership and perfect racial equality, Indian lives and Indian honour being held as sacred as British lives and honour,

(2) to record his opinion and express regret that the martial law administration in the Punjab in 1919 departed from these principles and was calculated to deeply wound the self-respect of the Indian population by subjecting them to unnecessary hardship and humiliation,

†(3) to mete out deterrent punishments to officers who were found guilty of improper exercise of their powers and to take steps to relieve the Indian revenue of all payments towards the pensions, gratuities or compassionate allowances to such officers, and

[Mr. Darcy Lindsay.]

Some of us are here at considerable sacrifice with the one aim and object, by co-operation, of rendering such assistance as is in our power in securing a greater contentment and prosperity for India under the new Reforms. With the extension of the so-called 'peaceful' non-co-operation movement dark clouds are gathering over India and our united energies are necessary to save the people of this country from disaster. Again, I would remind Members of the great words of His Royal Highness the Duke of Connaught to 'bury the past' and to give undivided attention to the present.

The Honourable the President: I will now call upon Mr. Jatkar to move his amendment. Perhaps it would be as well to enquire of the Member whether he has the authority of the Honourable Members mentioned in his amendment for placing their names there.

3-50 P.M. **Mr. B. H. Jatkar:** My amendment is as follows:

'In clause (3) of the Resolution omit the words from 'to mete out' to 'of their powers' and substitute the following: 'to appoint a Committee consisting of the Members of the Legislative Assembly mentioned below, to determine in the light of information afforded by the report of the Punjab Disturbances Enquiry Committee, and the report of the Congress Committee, appointed by the All-India Congress Committee, the officers who, in their opinion, were guilty of improper exercise of their powers, and report them to His Excellency the Governor General with a view to deterrent punishments being meted out to them:

The Honourable Dr. Tej Bahadur Sapru.
Mr. Jamnadas Dwarkadas,
Sir P. S. Sivaswamy Aiyer,
Mr. Harchandrai Vishindas,
Mr. Bhimrao Hanumant Rao Jatkar.'

In the printed copy of the Resolution there is some misprint, I think. My amendment is as above. I do not want the Council of State to do this because all the Members I have mentioned are on this Assembly.

The Honourable Dr. T. B. Sapru: May I rise, Sir, to a point of order? I was never consulted.

The Honourable the President: I must point out to the Honourable Member and to the Assembly for their information that it is improper for any Member to place the name of any other Member on the order paper for such purposes as that contained in this Resolution without his authority. It leads to extreme inconvenience if that course is pursued and therefore it has repeatedly been ruled out of order by the Chair in past times, and I hope the Assembly will adhere strictly to the ruling. Therefore, if the Honourable Member has the permission of the other three, those names may remain in the paper, but, not having the Honourable the Law Member, his name will have to be removed.

Mr. Jamnadas Dwarkadas: Sir, I am afraid I shall not be able to serve on that Committee. I want to say something on this amendment, but I shall reserve it till my time comes to speak.

The Honourable the President: The point is not whether the Honourable Member will be able to serve on the Committee, but whether he has given the Honourable Member (Mr. Jatkar) permission to use his name.

Has the Honourable Member the permission of Mr. Dwarkadas to use his name? Two Members now repudiate the authority which he has assumed. Has he the authority of the other two?

3-54 P.M. **Mr. B. H. Jatkar**: I had no time to obtain their permission beforehand.

The Honourable the President: I think the Honourable Member will be well-advised to omit mention of names then from his amendment. Is he willing to do so? If he will omit the names, I will permit him to go on. But I must remind the Assembly again that any amendment put forward in this way in future without the authority of the Honourable Members named will be summarily ruled out of order. In the present instance, I will allow Mr. Jatkar to move the amendment as presented with the exception that the names must be excluded.

Mr. B. H. Jatkar: Sir, I beg to move the amendment* which stands against my name. I wish to press this amendment for the following reasons. I know, from the speech just made by the Honourable the Home Member, many of our doubts have been cleared up, but as the Resolution stands, it is my duty, though an unpleasant duty, to move this amendment. Clause (3) of the original Resolution is vague and incomplete. It is not stated by whom were the officers found guilty. If the Mover of the Resolution means to confine himself only to the Hunter Committee and its recommendations and is satisfied by the action already taken by the Government, then the Resolution loses its very purpose. The whole of India is dissatisfied with the so-called punishments meted out, which, in fact, are extremely inadequate as compared with the atrocities committed. The Resolution is evidently aimed at opening the whole question.

As the matter is meant to be reconsidered, I suggest that the enquiry made and the evidence recorded by the Congress Sub-Committee should also be considered along with the report of the Hunter Committee. The Congress Sub-Committee was composed of eminent lawyers and the leaders of the people and as such carries greater weight with them. The Government has, up to now, absolutely ignored this enquiry and thus wounded the popular feeling. It is, therefore, essential that the Congress Sub-Committee's report should be looked to. I would be able to show instances of official high handedness and excesses deposed to in the Sub-Committee's enquiry which are not even disclosed before the official committee. Besides this, other evidence will be found in the martial law commissions and other proceedings, but I have not included them in the amendment as they are referred to in these two enquiries.

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*That in clause (3) for the words from 'to mete out' to the words 'of their powers' the following be substituted :—

'to appoint a committee consisting of the members of the Legislative Assembly mentioned below, to determine, in the light of information afforded by the report of the Punjab Disturbances Enquiry Committee, and the report of the Congress Committee, appointed by the All-India Congress Committee, the officers who, in their opinion, were guilty of improper exercise of their powers, and report them to His Excellency the Governor General with a view to deterrent punishments being meted out to them :

The Honourable Dr. Tej Bahadur Sapru.

Mr. Jamnadas Dwarkadas.

Sir P. S. Sivaswamy Aiyer.

Mr. Harchandrai Vishandas.

Mr. Bhimrao Hanumant Rao Jatkar.'

[Mr. B. H. Jatkar.]

The present widespread discontent and non-co-operation movement in the country has for one of its main reasons the Punjab atrocities and the unrepentant attitude towards the wrongs of the people and it would appease the popular mind to some extent if the question were approached again and deterrent punishments meted out to the guilty persons, whose names would be reported to His Excellency the Viceroy and Governor General by the Committee which I have proposed.

With these remarks I move the amendment for the acceptance of the House.

Dr. Sir Devaprasad Sarbadhikari : Sir, I regret I am unable to support this amendment, nor am I able to see eye to eye with my friend Mr. Darcy Lindsay, to have to differ from him the very first time I am speaking in this Assembly causes me pain. We in Calcutta, and I hope elsewhere, have been working harmoniously, hand to hand, elected European Members and elected Indian Members, and it is a matter of regret that I should have to strike a note of discord with regard to what he said regarding clause (3). I share his feelings and congratulate the Mover of the Resolution as well as the Members who have replied on behalf of Government on the very balanced and statesmanlike utterances on this Resolution. As a part of that balanced arrangement, I think the words of clause (3) are unexceptional. While I am opposed to re-opening the whole enquiry and having a further commission on what the Hunter Committee has pronounced or what the Congress Committee has said or what may have been said in the House of Commons or the House of Lords, I think we are still within our rights in demanding that those who have been found guilty of improper exercise of powers should be punished. Deterrent punishment does not necessarily mean drastic, revengeful punishment or severe in the ordinary sense of the term, but punishment that shall deter in the future improper exercise of power. I realise, Sir, the difficulties in the way, legal and otherwise, of completely giving effect to the last portion of this clause. But here also, I take it that the invitation is that steps should be taken to do what is indicated there, and if there are legal difficulties in the way, of course the Government will not try to overcome them in an illegal way. I realise that where contractual obligations exist, for example, where a Member of the Civil Service is to be deprived of honorarium, or allowances under his covenant, it may not be possible to give effect to the Resolution. And I do not understand that the object of this clause is to invite Government to do an illegal act for the purpose of giving effect to the Resolution.

3-58 P.M.

Sir, the Government having practically accepted, nay, having advanced more than half way in regard to the acceptance of the first portion of this Resolution, the third and fourth follow as a matter of course. I quite share the sentiments of the Right Honourable Lord Sinha given expression to in the House of Lords that Indians in this country do not in a spirit of vengeance demand punishment. . . . .

The Honourable the President : Will the Member forgive me for a moment for interrupting him ? The question before the House is the question of amendment moved by Mr. Jatkar. If it is the desire of the House to discuss the general question of clause (3)* I will put the amendment forthwith to the House.

* Of the original Resolution.

The amendment was then put and negatived.

The Honourable the President : The question is that clause (3)* of the Resolution stand part.

Sir Godfrey Fell : The only point on which I wish to address a few words to this Assembly, relates to the conduct of those military officers whose actions have been impugned in connection with the disturbances in 1919. I am sure that it is a matter of great regret to every one in this Assembly that His Excellency the Commander-in-Chief had to leave before the conclusion of the debate and was therefore not able to speak at any length on this subject. I propose to deal very briefly with the conduct of the military officers concerned under three headings. The first relates to Amritsar, the shadow of which, as His Royal Highness the Duke of Connaught reminded us, is lengthening over the fair face of India. This must be the incident which is uppermost in the minds of every one here. The Honourable the Home Member has already referred the Assembly to relevant passages in the Government of India's Despatch on the subject, and to the Secretary of State's orders thereon, and I need not repeat them. I wish to confine myself to the point which is dealt with in clause (3) of the Resolution, namely, the degree of punishment which has been dealt out to the military officer primarily concerned ; and I should like to say at once that in dealing with this question, I propose to institute what perhaps I may be permitted to term the admissible task of the Mover of this Resolution in not referring to any officer specifically by name. We all know the case against this officer. There is, however, one point which was made by His Majesty's Government in his favour, and that was that they paid a tribute to his honesty of purpose and unflinching adherence to his conception of duty. Nevertheless, practically all his acts were condemned in the severest terms, and he was called upon to retire. I should like to explain that the Government of India had no power or authority to deal with this officer otherwise than in the manner which they adopted. The officer in question was holding substantively the rank of Colonel, and Colonels in the Indian Army are borne on the same list as Colonels in the British Army. They are on one list, and disciplinary cases relating to them can only be dealt with by the highest military authority in the Empire, namely, the Army Council. The Government of India, after reviewing all the evidence in the case, took the only course open to them and relieved this officer of his command in India. His case was then referred to the Army Council and orders were passed thereon. There may be some in this Assembly who think that it was a very small punishment to allow this officer to retire upon the pension which he had earned by his previous service. There may be some here, too, who would argue that many other officers who have committed no fault have been forced, owing to the war having come to a close and to the reduction of our armed forces, to take their pensions; and that the officer who was the principal figure in the sinister tragedy at Amritsar has been treated precisely in the same way as those other guiltless officers.

4 P.M.

But I think that the Assembly will realise that there is all the difference in the world between going on pension merely because there is no further employment for an officer of your rank, and being forced to leave the Army

* To mete out deterrent punishments to officers who were found guilty of improper exercise of their powers and to take steps to relieve the Indian revenue of all payments towards the pensions, gratuities or compassionate allowances to such officers.

[Sir Godfrey Fell.]

in the circumstances in which this officer left the Army. As it was put to me the other day by a very distinguished General Officer, to leave the Army in those circumstances would be to many officers a disgrace worse than death.

I turn now to another group of cases which, I think, have not been touched upon in the debate, namely, those relating to the use of aeroplanes at Gujranwala. There were three officers whose conduct in connection with the use of aeroplanes was mentioned either in the majority or minority reports, or both. The minority, who took the more severe view of the matter, said of the principal officer concerned that the order he issued to the airmen was 'unfortunate'. The Assembly will agree with me that this was a very mild condemnation, at the worst. The Committee also pointed out that the dropping of bombs on the riotous crowds was not only justified but, in their opinion, invaluable, and that the fact that the disorders were ended long before troops arrived was in a large measure attributable to this fact. I would ask the Assembly to picture to themselves the conditions under which the General Officer in question had to issue orders to the flying men. He received information of a very serious state of affairs at Gujranwala; he had a most urgent call for help. Gujranwala was at that time isolated, and it would have taken a long while to get troops there. The only course open to him was to make use of the air force. I think it is rather hard to expect him to have sat down and defined, with the precision of a lawyer, the exact degree of force which those airmen were entitled to use in dispersing the crowd; and I think, further, that no one in this Assembly would wish to press the case against that General Officer. Similarly, the Committee themselves recognised that such excessive action as was taken by the two air officers concerned was not so much due to errors of judgment on their part as to the fact that the orders issued to them were not sufficiently explicit.

I will now turn to the third class of cases, those relating to the administration of martial law cases in which orders were issued of a humiliating character. Well, with reference to this class of cases, as this Assembly is aware, the Government of India have expressed the strongest disapproval of what was done. They have condemned the use of 'fantastic' penalties. As regards one officer, who only held a temporary Commission and has since left the service, they have held that his administration of martial law was in certain respects unduly severe and exceeded its legitimate limits. Every officer, I think, without exception, whose conduct has been impugned in this connection, has received varying degrees of censure from the Government of India and the Commander-in-Chief. On the whole question of the administration of martial law, the Government of India have pointed out that the officers charged with the administration of martial law cannot be expected to act, in abnormal conditions, with that care and circumspection which are possible in normal times, nor can such a standard be rigorously applied for the examination of their actions as might be applied in the calm atmosphere of safety after order has been restored.

Now, it is in this calm atmosphere, Sir, that this Assembly is considering the question of the conduct of those military officers with whom alone I am concerned, and I would ask the Assembly to bear with me for a few moments while I lay before them a few considerations. The first is this: I want to assure this Assembly, and I do so on the high authority of His Excellency the Commander-in-Chief, that the disciplinary action taken in respect of the military officers, whose conduct was called into question over these disturbances,

was precisely the same as would have been taken if they had conducted themselves in exactly the same way against a riotous and dangerous crowd of Englishmen, Irishmen, Scotchmen or Welshmen.

I only mention this because I have heard it suggested that there is an idea in the minds of some people—I do not say in the mind of any Member of this Assembly—that officers were leniently treated because their victims were Indians. I emphatically deny this, and I would ask this Assembly to believe that no such consideration ever occurred to those who were responsible for passing sentences on the British officers whose conduct has been called into question.

There is another general consideration to which I should like to allude. The profession of arms has, throughout the ages, been one of the most honourable that any man can follow. Soldiers have duties and obligations from which the civil community is immune. One of the principal obligations of the soldiers is to be ready to fight, to suffer wounds, if necessary, to die, in the defence of the rights and liberties of the country which he serves. This Assembly knows well how gallantly our professional Army acquitted itself in the War. The Roll of Honour is still fresh in our memory. It is to the gallantry of that Army that we, who sit here in safety, owe our lives and our liberties. I am speaking as a layman addressing laymen. I am not myself a soldier, but I have had the good fortune to be associated for many years with soldiers, and perhaps I have had better opportunities than most of those present to understand and appreciate the point of view of the soldier. I should like to remind the Assembly firstly, that it is the civil power which decides when the soldier, when the military arm, has to be called in to take charge of the situation, and, secondly, that the soldier then has only to do his duty; and his duty, as His Excellency the Commander-in-Chief assured us this afternoon, is to use just that degree of force which the situation requires. His Excellency also assured us that there is no duty which a soldier loathes so much as that of quelling disturbances and riots. A soldier asks nothing better than a fair fight against an armed foe. It is repugnant to him—as repugnant as to any one in this Assembly—to use arms on a crowd, however riotous, however dangerous, however murderous, which is not as well armed as himself. Soldiers who are called upon to perform these unpleasant duties deserve, I think, our sympathy. We are dwelling to-day on what may be called the dark side of the picture. We are dealing with the errors of judgment of a few out of the very many officers employed in 1919. I am sure that all in this Assembly, in deciding how to record their votes on clause (3) of the Resolution, will remember that there is another side to this question, and that is that, as is well known to many of us here, the Army acquitted itself very well in exceptionally trying circumstances. The relations which it established with the civil community were marked for the most part by tact, conciliation and restraint. Its services were acknowledged in an Indian Army Order, issued at the request of the Government of India, conveying their appreciation and that of the Secretary of State for India for the 'admirable behaviour of the troops employed in suppressing the disturbances which took place in Bombay, Delhi and the Punjab in 1919'. It stated that 'officers and men acted with great restraint in very trying circumstances'. I will only ask the Assembly to bear these considerations in mind before they decide to condemn, more severely than our Government has already done, the errors of judgment and mistakes of the few officers with whose conduct we are dealing to-day.

The Honourable Dr. T. B. Sapru: Sir, I confess that I am not in a position to discuss the case of each officer for the simple reason that I have not examined the evidence with regard to each officer. 4-15 P.M. The cases of these officers have been put at great length by my Honourable colleagues, Sir William Vincent and Sir Godfrey Fell, and I venture to hope that the Home Secretary will also be able to explain the cases of the other officers. There was one remark in the speech of my Honourable friend, Sir Deva Prasad Sarbadhikari, which struck me as clinching the whole matter. In the course of his speech, he said that in his opinion a deterrent punishment did not necessarily mean a revengeful punishment, but that he took that expression to mean a punishment which would deter officers in the future from repeating conduct which is the subject of controversy on this occasion. I am quite willing to accept that definition. Therefore, the issue narrows itself down to this : are the punishments which have been inflicted by Government such that we may, as reasonable persons, believe that on a similar occasion which may arise in the future, with the additional circumstance that fresh instructions on the subject are being issued, our officers are likely to repeat the same sort of conduct which has exposed them to attack ? Not having been in any service until about two months ago, I am not able to appreciate the point of view of the service as well as some of my Honourable colleagues are. But I have no doubt that, from the point of view of the service, a punishment which involves them in obloquy is one which may very well be described as having a restraining effect on these officers, and which may answer the definition laid down in this House, by Sir Deva Prasad Sarbadhikari this afternoon, namely, a deterrent punishment is that which would, under ordinary circumstances, deter them from recklessly inflicting hardships on the people, which might expose them to severe censure or severe criticism later on. I do not wish, therefore, to dilate upon this part of the Resolution much further. But there is one consideration which I wish to place before the House. I venture to think that the substantial portion of the Resolution which has been moved by my Honourable colleague, Mr. Jamnadas Dwarakadas, to-day, is that which seeks to vindicate the national honour and self-respect of India, and if the House will permit me to refer to the comparatively more free position which I occupied until December last as a non-official, I would venture to submit that as an Indian I would do anything to secure the recognition of our national honour and self-respect. I do not think that the Indian position could have been better or more graphically described than it was described this morning by Sir William Vincent. He said that the iron had entered into the soul of every Indian, and if I may be permitted just a little bit of freedom to refer to my own sentiments as a non-official, I am willing to confess that the iron had entered into my soul also. But what is it that Mr. Jamnadas wanted us to do ? What is it that Mr. Jamnadas wanted Government to do ? He wanted Government to say in so many words, without equivocation, that their future policy would be to hold India on the same footing on which the Dominions are held, and not by force. The answer of Government on that point this morning has been plain, though it was anticipated by no less a distinguished personage than His Royal Highness the Duke of Connaught only a few days ago.

Then, Mr. Jamnadas wanted Government to express their unfeigned regret where regret was due. Government, it will be admitted by this Assembly, have shown a proper sense of courage and propriety in admitting and expressing in unequivocal language their regret for the excesses of certain officers, and I believe it will be admitted by

Mr. Jamnadas, and by other Members as well, that in expressing their regret Government have not shown any weakness. On the contrary, I believe, they have strengthened their prestige. (Hear, Hear.)

Well, perhaps it was not the intention of Sir William Vincent to omit one class of persons to whom we might as a Government also express regret. It was a mere accident that he was not able to refer to that class and I might, with your permission, Sir, refer to them. It gives me particular pleasure to be able to refer to that class of individuals in the Punjab, because in my private capacity I have always been interested in them,—I refer to the student community. If it is understood or if it is supposed that the treatment meted out to some of the students in the Punjab was a part of the calculated policy of Government to teach any lesson in humiliation to them, then I entirely repudiate such a charge. The Government are not afraid of developing and fostering among the younger generation a true and proper spirit of citizenship. Patriotism has not been and is not going to be penalised. On the contrary, I take it that the future policy of Government will be, as indeed it is, to develop and foster every civic virtue, so that when these young men grow up, they may take the place which will be their due as citizens of this country in the public life of the whole nation. Government are aware that considerable resentment has been caused in the country, by the treatment which was accorded to the students by certain officers, and I have no doubt that Government do feel as regretful at that as at any other incident which has been referred to this morning. Well, that being the essence of the Resolution moved by Mr. Jamnadas, to my mind, the question of punishment is of comparatively less importance, and I will beg the House before it approaches the question of vote in regard to this particular part of the Resolution, not to forget the main and substantial point of the Resolution of Mr. Jamnadas. I do not wish to take up the time of the Assembly any further, but I venture to express the hope that the spirit which has been shown this morning is full of happy augury for the future. In the best constituted Government, even though we might have a national Government, citizens and officers are apt to lose their heads at times. But you do not sacrifice the future for the misdeeds of certain officers or of certain citizens in the past. Let us approach the future, I say, in a spirit of hopefulness, and let us show that, whatever may have been the strength or weakness of this Council in the past, it is a real living Assembly now and that it is going to be a real living Assembly in the future, an Assembly which will effectively influence the decisions of Government so as to justify all the expectations that have been raised in reasonable minds in regard to the Reforms.

Mr. Eardley Norton: Sir, it is not because I represent the English community of Madras, and following so speedily as I do upon my Honourable friend, Mr. Darcy Lindsay, who represents the Europeans of Bengal, that I venture to rise and ask, at any rate my Indian colleagues in this House, to listen to an appeal from me of a personal nature upon this question. I say I am not speaking here to-day as an Englishman. I am speaking as a fellow-citizen of every Indian colleague, inside and outside this House, who, for 43 years, has laboured for them and with them, and who, therefore, although he be not a Duke nor yet be invested with the trappings and the weight of an official character, asks them to give him credit for honesty, for sincerity, and he trusts, for courage. 4·25 P.M.

As an Englishman, I share to the full the sense of humiliation and shame and despair which filled them, as it filled me, when we read of the horrors of

[Mr. Eardley Norton.]

Amritsar. I speak on that point with the knowledge that there is a growing sense of recantation of English views held upon that question, and since I have been up in Delhi, I have been astonished to find how widely spreading is the sympathy which comes from a greater knowledge of the true facts of the case amongst my countrymen here. I share with my Indian colleagues the sense of shame which accompanied the action of British officials, both military and civil, there, and it is not because of any desire to hide or diminish the crimes of which many of them were guilty that I speak here to-day, but because of a higher and a greater duty which I conceive I owe to this country and to myself. I am, as most of you are aware, only too sensible that the chiefest criminal of all has escaped, with not a word of repudiation from any Government officer, so far as I know, or of censure; I mean the late Lieutenant-Governor of the Punjab. And I thrill with indignation when I know that an Englishman in his position, of his calibre, of his weight and of his service, was permitted to leave this country uncensured and unpunished. So far had things advanced at one time with regard to the Punjab question at Home, that Lord Milner, if I remember rightly, in the House of Lords—that melancholy departure from English History—stood up and publicly announced that General Dyer had left the service without a slur upon his name. And yet we heard from Sir Godfrey Fell to-day that the soldiers are unanimous in their view that it were better to die than to retire as General Dyer has retired. But, knowing and feeling as I do, that he, who ought to have been punished first and foremost and the most severely, has been allowed not merely to escape but to be loaded with honours and to be sent back to this country as the chief of an important Commission; knowing and feeling and recognising that fact, what are we to say of those inferior and subordinate officials with regard to whom the Honourable Mover of this debate requires, and in one sense justly requires, some further punishment? I appeal to him in the larger sense of generosity, which I know is so fine an attribute of Indians amongst whom I have lived for so long, I ask him and ask the Indian Members of this House to rise to what may possibly be in their view an act of renunciation. I ask them, for once in their lives, in this House and officially, to be generous and charitable, possibly in a sense which the Englishman cannot here appreciate.

I ask them really to forget and to forgive upon this point. Much to my delight they have carried the committal from the Supreme Government to their acknowledgment of an error in their past. They have had a frank and sincere expression of regret for that action. Are not you satisfied with that victory? Is it necessary that you should go further now and seek to punish the minor officials when the larger ones have been allowed to get off scot-free? Therefore, as we are all meeting here to-day for a union which, outside this House shall lead us to the pathways of reconciliation; to a closer approach together; to a greater and larger and more fraternal feeling in the accomplishment of that great purpose to which to-day we have set our hands. Cannot you, as an act of chivalry and generosity, erase, at any rate, this portion of the Resolution before the House, and, rising to heights, which, once when you reach them, will be your glory and ambition in the years yet to come—forget and forgive in the fullest and freest sense of the word. I ask you, therefore, to say that as there is to be this reconciliation outside the House, reconciliation which is so bright with promises for the future, leading to the accomplishment of that splendid political edifice which great Englishmen in years past have devoted their lives to—Englishmen not

the less great that they have been unhonoured and perhaps unknown and to whose work their descendants in this country have met here to-day to place their seal and to accord their support - to say also that there shall be an earlier reconciliation inside this House.

I have little more to say than this—that it would be a splendid thing if my colleagues—my Indian colleagues—in this House can see their way, by withdrawing this section of the Resolution, to obliterate the past, to rise to a fine act of renunciation which, if it were accomplished, would, I feel certain, bring them all the nearer and the closer to the Englishman, and setting the seal which time can never break upon a union which, outside this House, shall lead up to the great and divine accomplishment of political ends—still our ambition and our dream.

Mr. J. P. Cotelingam: Sir, after the speech from the Honourable the Law Member and the strong appeal made by Mr. Eardley Norton to this Assembly, I will only say a few words with reference to what has already been said. I will not at this late hour take up the time of the House by going into the harrowing details of the tragedy of tragedies known as the Punjab Disorders.

4-33 P.M.

The views expressed in this House, throughout this day, I hope, will lead us all to the one conclusion that is necessary for the peace and prosperity of this country, namely—to forget and to forgive—which were the words used by His Royal Highness the Duke of Connaught.

The Honourable the Law Member has explained to us that after all the subject-matter of clause (3) is only a minor part of the Resolution that is before the House and I see no reason why that clause should not be omitted. Again, Sir, the Mover said that he approached this subject not in any spirit of vindictiveness. That may be so, and while there should not be the spirit of vindictiveness, I think, it is our duty to avoid also the appearance of vindictiveness. I would, therefore, appeal to Mr. Jamnadas Dwarkadas to delete clause (3) from his Resolution. We have in this Assembly, not only, as Mr. Darcy Lindsay of Calcutta said, European Members who are of this view, but there are, I believe, a good many Indian Members who share the same view. I would once more, therefore, appeal to Mr. Jamnadas Dwarkadas not to press upon the Assembly clause (3) of the Resolution.

Mr. B. S. Kamat: Sir, like the previous speakers, I also think my friend Mr. Jamnadas Dwarkadas would be well advised if he does not press clause (3) to a division. After the remarks made by the Law Member and the two previous speakers, I think very little remains to be said on the question. I believe, in view of the statement made by Government this afternoon, I can safely say that our injured national self-respect has been practically vindicated. I would further say that after the statement by Sir William Vincent and the full, sincere, and frank expression of regret given on behalf of the Government of India, even the British sense of justice, on which we are accustomed to rely, has been vindicated. And I can go further and say, that this afternoon's debate also vindicates the triumph of general public opinion upon the question of the Punjab disorders. In view of all these things, I do not think it would be advisable now to press clause (3) to a division. After all, considering our gains and our losses, I believe the Mover of the Resolution has obtained practically all that he wanted. We have had from the Government of India an assurance about the equality of status between Indians and Europeans. We

4-35 P.M.

[Mr. B. S. Kamat.]

have also had a condemnation of the officers concerned with the Punjab affairs. We have also had an assurance that a manual of instructions for the prevention of the indiscriminate use of martial law will be prepared for the guidance of officers. We have also had an assurance that adequate compensation, even generous compensation should be awarded to people who have not been granted compensation. I believe, these are all gains we have secured. I believe, it is but a triumph of public opinion and a vindication of our self-respect that we have this day arrived at. Now, if we press clause (3) to a division, what are we likely to get? We have begun in a spirit of co-operation. We have begun to lift the shadow of Amritsar, to use the words of His Royal Highness. I believe that, if we press clause (3) we shall be leaving a thorn in the side of the Government, a thorn which will rankle both in their side and in ours. We are closing a chapter which has been dark. Let us close it in an amiable spirit and a spirit of good will. I believe that, if we do not press for punishments, we shall close the chapter in a spirit of good will. If we press for clause (3), firstly, there are certain objections from the point of view of the Army Regulations; secondly, there are objections from the legal point of view in enhancing punishments. And, thirdly, as I have explained, on general political grounds, in view of the spirit in which we are entering upon our task, it would be highly impolitic, unstatesmanlike, and it would be violating the spirit of fellowship in which we have entered into our new life. I appeal, therefore, to Mr. Jamnadas Dwarkadas and to this Assembly not to press this particular clause to a division.

Mr. Jamnadas Dwarkadas: Sir, in moving my Resolution, when dealing with clause (3), I said that I approached it with a certain amount of diffidence. I confessed that there were difficulties in the way in obtaining the demand that we made in clause (3) of my Resolution. But, after listening very patiently and very carefully to the statement made by the Honourable the Home Member, followed as it was by the statements made by the Honourable the Army Secretary and the Honourable the Law Member, I am convinced that it is not advisable for me or for my colleagues in this Assembly to press clause (3) of my Resolution to a division.

4-39 P.M.

Sir, in making an impassioned appeal not to press clause (3) to a division my friend Mr. Cotelingam advised me not even to make an appearance of vindictiveness by pressing to a division a clause which was objected to on most reasonable grounds by my European colleagues in this Assembly. I assure you, Sir, that, even when I moved that clause, when I included it in my Resolution, nothing was further from my intention than that I should, in the slightest degree, appear to be vindictive, that I should be longing for a pound of flesh for the wrongs that were inflicted on my countrymen. Sir, I assure you that that spirit can never move any countryman of mine so long as he remains true to the ideals that our countrymen have always cherished.

Mr. President, the point, that struck me most in regard to this clause in the statement made by the Honourable the Home Member, was this, that in dealing with these men no consideration of the fact that it was Indians to whom they have given this treatment has weighed at all with the authorities. That assurance from the Honourable the Home Member has gone a great way in convincing me that, whatever may be the nature of the punishments meted out to the officers concerned, however light they may be from our point of view, however inadequate they may be from our point of view, that these punishments

were meted out to them by the authorities without the slightest consideration of the fact that they were dealing with those who had treated Indians and not any other community. Sir, there was a suspicion in my mind, I confess, and perhaps the suspicion still rests in the minds of many of my countrymen that, if in England similar offences had been committed by officers, by English officials, against Englishmen, probably the punishments meted out to them would have been of a very heavy character. But the statement made by the Honourable the Home Member and the statement made by Sir Godfrey Fell leave not the slightest doubt in my mind that, however mistaken their judgment may be, and we have a right to differ from them on that point, they have convinced me to the fullest extent that nothing was further from their intention than to allow any consideration of race in dealing with the men concerned. I am grateful to my friend, Mr. Norton, for the sentiments, the noble sentiments he has expressed in the course of his speech. They are such as do credit to a real Englishman. I am sure that the Assembly will support me with one voice when I say that I will withdraw clause (3) of the Resolution.

The Honourable the President: The question is that clause (3) stand part of the Resolution.

The motion was negatived.

The Honourable the President: The question is that clause (4)* of the Resolution stand part.

Rao Bahadur T. Rangachariar: I only wish to say one word, Sir. What struck me most when the Home Member spoke, what appealed to me and several other Members of this Assembly, was this note of emphatic dissent from the attitude taken up by certain Members of Parliament. Even though they may be Members of Parliament, the attitude of those Members was expressly disclaimed on behalf of the Government of India, and I think we ought to congratulate ourselves that that assurance has been given by the Government of India to-day. With these words, I support the Resolution.

4-46 P.M.

The motion that clause (4) of the Resolution stand was then put and carried.

The Honourable the President: The question is that this Resolution be the finding of the Assembly.

The Honourable Sir William Vincent: I do not know if I shall be in order, in explaining one point with which I had not sufficient time to deal when speaking on this question of punishment. You will correct me, Sir, if I am not in order, but I want to explain the actual effect of a censure on an officer in the service of the Crown, because I think that Honourable Members have perhaps not appreciated this sufficiently. Not only does it have material effect on the man's chances of promotion, but apart from that, it attaches a stigma to him

4-47 P.M.

"*(4) To satisfy himself that adequate compensation is awarded to the families of those killed or injured at the Jallianwalla Bag or other places on the same scale as the compensation awarded in the case of Europeans who suffered or were killed during the Punjab disturbances."

[Sir William Vincent.]

which takes many years to efface, and if the Assembly will bear with me for a minute, I will read a letter which the Government have received from one of the officers who have been censured in this connection, from which they will appreciate at once what a serious matter a censure is. I propose to cite an extract from a letter of Mr. Marsden who was censured in connection with the whipping of certain school boys. As a matter of fact, the charges made against him in the report were not entirely accurate. But this is what he says:

'After martial law days I was thanked by rebel after rebel for my just and considerate treatment of all concerned. Maulvi Abdul Kadir and Mian Ghulam Muhy-ud-din, about whom Pandit Jagat Narain was so solicitous, both came voluntarily before me after their release, and thanked me in God's name for my courteous and considerate treatment of them. Even Mr. Gandhi, when he came to Kasur, thanked me for my own considerate and courteous attitude during the martial law days. The only paragraph, on which His Excellency's Government have taken action, refers to the caning of six school boys from two schools.'

Then, he goes into details regarding the inaccuracy of certain findings against him which, I need not, I think, trouble this Assembly with. He was accused of having ordered six boys to be whipped, and the fact was that three were given six strokes and three given three. He said:

'The boys sent up were the poorest of the lowest caste. Clearly, the humblest pupils were being made scape goats. When I was at Cheltenham College, the whole school was punished many times because of offences committed by culprits who did not come forward.'

And then comes the passage to which I wish to draw particular attention:

'As I have now served His Excellency's Government for eight years, without leave, in the course of which I have, in the endeavour to put myself in touch with His Majesty's Indian subjects by learning their language, passed five language examinations, and as my brain and health are, therefore, naturally somewhat jaded, and as I have now received from His Excellency's Government a very severe censure which will naturally still further affect my health and efficiency, I feel sure that His Honour the Lieutenant-Governor will grant my request, which I beg to prefer, that I be at once granted the two years' furlough which I have earned. In that case, if, as I sincerely hope, may not be the case, I am given no chance of self defence, and if I therefore am left with the feeling that I have been black-marked for no fault of mine and that my career in this country is blasted, then I shall have time to select in my own country a new career in which there will be no chance of my being condemned unheard, in the event of my deciding that there is no other course open to me but to resign my contract with the Majesty's Government.'

I think that does show to all Members of this Assembly the really serious effect of an official censure on an officer. I may say further that I have myself known several instances where senior officers in Government service have been entirely unable to bear the stigma conveyed by a censure and have preferred to retire on receipt of such an expression of the opinion of Government. I hope, in the case of Mr. Marsden, that the expression of disapproval of his conduct will not have that effect and that we shall not lose the services of a promising officer, but that the punishment will only be deterrent in the sense referred to by my Honourable colleague, the Law Member, in the sense that it will deter him from committing similar acts in future without spoiling the future of a young man's brilliant career.

One word more, and I have done. Mr. Eardley Norton referred to a matter which I think the Government of India cannot pass over unnoticed, namely, the conduct of Sir Michael O'Dwyer. I do not expect Members of

this Assembly to be of one accord or to agree with Government on this matter, but I ought to make the position of Government clear, though, I hope, we will not have any further discussion on a matter hardly relevant to this discussion. Every one is entitled to his own opinion on a matter of this kind, but I am bound to say in justice to a gentleman who is not here now to defend himself that the Government of India adhere strictly to the estimate of that officer which is set forth in the Despatch which we addressed to the Secretary of State and which has been endorsed by His Majesty's Government. I say this in no spirit of controversy. I want no one who does not take the same view to agree with me, but, I think, Mr. Eardley Norton himself will be the first to admit that it would be improper for Government not to make a statement of what their views are, while allowing him and other Members of this Assembly liberty to assert theirs in such a manner as they think fit. I may add, Sir Michael O'Dwyer's conduct was a matter which was hardly relevant to the debate and was only introduced indirectly by the Honourable Member at the close of the debate.

The Honourable the President: The question is that the Resolution, as amended by the omission of clause (3), be adopted.

Mr. Jamnadas Dwarkadas: Am I, Sir, entitled to reply on the whole of the Resolution?

The Honourable the President: The Honourable Member is entitled to a reply.

Mr. Eardley Norton: Mr. President, before this Resolution finally departs from this House with the unanimous blessing of all the Members in it, I should like to accentuate two instances which have occurred here which, I think, are happy omens of our political discussion in the future. One was the frankness and sincerity with which the Government have met us upon this occasion. I say 'us,' because here I associate myself entirely with my Indian colleagues. The other is the courteous manner in which my friend, the Mover of the Resolution, withdrew clause (3). I am a new Member of this House, and this is the first instance, at any rate within my recollection, where compromise has asserted itself so charmingly and with such excellent effect. One result of it will be that we shall be drawn together the more closely, I trust, to the Government in the future and that some of the clouds which have shadowed our intercourse officially with the Government may in the future be dissipated.

4-55 P.M.

Probably, my tenure of this seat will not last long, but I should like to press one plea with the Government, to take us more into their confidence. The policy of reticence—the policy of almost *ghoshá* reticence, as though the Government were afraid lest the sunlight should damage or demean their official chastily—the policy of retirement into the clouds and shadows of Simla whence they look down upon us as we work in the plains; I trust that all this will no longer endure, to its former extent. Believe, that we are as active and as honest participators in our desire to enlarge the political liberties of the people of this country as yourselves. We are worthy of being trusted, and if you will take us more into your confidence, if you will tell us what you do and why you do it, not leaving us to conjecture for ourselves and perhaps—partly through ignorance, partly through malice—force us to impute to the

[Mr. Eardley Norton.]

Government all sorts of discreditable motives; I think that if that could be in future the policy of Government, we should get closer together and work together more harmoniously, both in this House and outside. I cannot leave this subject without frankly expressing my opinion that I, ever since those unfortunate disasters took place, have had to travel professionally from the Punjab to Tinnevelly, from Belgaum to Tavoy, and have never lost an opportunity of trying to learn at first hand for myself what really was Indian opinion upon those unhappy catastrophes. I have satisfied myself that India—I mean Indian India—stands united and firm, and that the expressions of opinion which we have heard here to-night are not merely the individual opinions of Members but those of the communities for whom not only they but their unlettered brethren stand. I have felt more than this. I have felt that this has been really the one strong point of the gentleman, whom if I do not call him my Mahatma I hope my Indian friends and colleagues will not mind—that this has been the strength of Mr. Gandhi's present attitude towards the Government and the people at large. I am satisfied that every effort which a system of non-co-operation has in view—a system which I believe every Member of this House, Indian or European, is committed resolutely to oppose—looks for its support, not to the question of the Khilafat, but to the feeling that has long been underlying this unfortunate Punjab affair. Mr. Gandhi based his present attack against the Government originally upon the Khilafat question, but with strategic political ingenuity he soon discovered the hollowness of that pretence and he has tacked on to his opposition the feeling which certainly prevails throughout the country on the Punjab disasters for the purpose of furthering ends which, however honest, I do not hesitate to describe as nefarious. It is our duty, as I believe it is the pleasure and inclination of everyone in this House, to oppose with determination every manifestation of non-co-operation in whatever way it comes to the front, resolute and firm in our belief, and resolute in our action, to do nothing and say nothing which shall in any way tend to loosening the bonds of that great and splendid Empire in which one day, if not at once, India, I know, will be an equal partner.

One more word and I have done. It is a wonderful thing to me in the years that I have spent in India to see the marvellous progress which has taken place and the quickening emancipation of the peoples politically. We have had to fight for it; we have had to struggle. We have, in our day, been condemned. I remember, in the olden times, how we were looked upon with suspicion and contempt. Change has come in the fulness of time. A better feeling has grown up between the Indian and the Englishman. Long may it endure.

And with a greater knowledge is coming a fuller belief in the capacity, not merely intellectual, but also moral, of the people who are hereafter to govern this wonderful country for themselves. In the promulgation of that knowledge and belief most of us have taken our part. The hour is coming when some of us, amongst them myself, will be driven to withdraw from the active service of this country; but although it may not be in my time it will come shortly afterwards that we, who have been dreaming of the union of Englishmen and Indians in this country, united in a common purpose for the fulfilment of a common ambition in the achievement of common political objects, will have the gratification of the knowledge, that our ancestors and we,

their descendants, have trained Indians into the franchise which they enjoy to-day, have fostered them into the ever widening positions they now enjoy and are helping them to that greater and fuller empire over self which will in the evolution of the years not merely come to them, but will come to them to stay and ripen and increase always.

Dr. Sir D. P. Sarbadhikari: Sir, during the waning days of the Council, the place of which we are partially taking today, a Resolution, on lines similar to the one which we are about to pass, was moved by the Honourable Mr. Sastri. For reasons of policy, it was disallowed at the moment and some of us felt that an opportune time had been allowed to pass by. We consoled ourselves, however, that when the Reforms came and the Assembly, of which we are Members, was brought into existence, we would have an opportunity of discussing this matter in a calmer atmosphere and free from passions and prejudices which were then rampant. As a Member of that Council, as one of the very few who have come here, I congratulate ourselves and this Assembly on the course which this Resolution is about to take. Sir, the other day, amidst pomp, splendour and grandeur, this Assembly was inaugurated. To-day in our own inner circle, we have decided to perform a ritual which, to my mind, has a very high significance. In all temples, consecrated to the uplifting of humanity, purification is necessary. The atmosphere has to be cleared up and we are attempting it to the best of our powers as Mr. Eardley Norton has said. One of the great difficulties, in the way of public men outside this Assembly, has been this Punjab question. It was necessary that the united mind of the representatives of the people, whose representative character may be lightly challenged by irresponsible people, it was necessary that the united mind of India, such as it is, should be expressed here in the most unequivocal terms. That has been done to-day. We can never hope to reconcile the irreconcilables; but, so far as in us lies, it will be our duty to go forward on the path of moderation and sanity. Of that we have the earnest to-day. I congratulate the Honourable Mover on the way he has brought forward this motion, and the representatives of the Government who have met us more than half-way. We hope, Sir, that this augury will be always helpful and the affairs of the Assembly will be conducted in the way they have been begun to-day.

5-2 P.M.

Mr. Jamnadas Dwarkadas: Sir, I beg the House to bear with me for a couple of minutes, and not more than that, before my Honourable colleagues are called upon to vote on the Resolution as it is amended, if I take this opportunity of offering my heart-felt gratitude to the Government for the attitude that they have taken up on this question. I endorse the views expressed by my friend, Mr. Norton, and by my friend, Sir Deva Prasad Sarbadhikari I would remind this Assembly of the fact that to-day we close the chapter of the Punjab, that there should be no more Punjab in this Assembly, and, if we can help it, anywhere in the country.

5-5 P.M.

Let bygones be bygones. We have a good deal of work to do in the future. There are many problems awaiting very tactful handling and the highest and the best in us will be called upon to bring about the solution of those problems. Let us then put our heads together, non-officials and officials, with one aim of leading India as soon as possible to the goal of responsible Government, work together like men, and I can assure this House that the end is certain, a complete triumph.

[Mr. Jamnadas Dwarkadas.]

The Motion that the Resolution, as amended by the omission of clause (3), which runs as under:

'This Assembly recommends to the Governor General in Council—

to declare the firm resolve of the Government of India to maintain that the connection of India with the British Empire is based on the principle of equal partnership and perfect racial equality, Indian lives and Indian honour being held as sacred as British lives and honour,

to record his opinion and express regret that the martial law administration in the Punjab in 1919 departed from these principles and was calculated to deeply wound the self-respect of the Indian population by subjecting them to unnecessary hardship and humiliation,

to satisfy himself that adequate compensation is awarded to the families of those killed or injured at the Jallianwalla Bag or other places on the same scale as the compensation awarded in the case of Europeans who suffered or were killed during the Punjab disturbances,'

be passed, was put and carried unanimously.

The Assembly then adjourned till Thursday, the 17th February 1921.